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BEFORE THE WEST VIRGINIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS

WV PE BOARD

IN RE: STANLEY WYATT,
Also Known As, Stanley D. Wyatt

C2024-18

CONSENT ORDER

Comes now the West Virginia State Board of Registration for Professional Engineers (hereinafter “the Board”) by Garth E. Thomas, Jr., P.E., its President, for the purpose of agreeing to resolve a Board-initiated Complaint against Stanley Wyatt, also known as and referred to in this document hereafter as “Stanley D. Wyatt” (“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 is a citizen and resident of Kanawha County, West Virginia.
3. Respondent operates a sole proprietorship in Kanawha County, West Virginia, under the tradename of “National Pool.” This tradename is registered with the West Virginia Secretary of State.
4. Respondent has never held a West Virginia Professional Engineers registration (a.k.a. “license”), nor has he ever held a West Virginia Professional Engineers Certificate of Authorization (“COA”).
5. At all times material hereto, Respondent was acting on his own behalf under his own name, that of his tradename, National Pool, or under the name of National Pool & Equipment Company of West Virginia, a corporation for which he served as President, until the

corporation was terminated / dissolved by the West Virginia Secretary of State office on or about May 25, 2021.

6. The Board received information that Respondent may have provided engineering services for two projects located in Kanawha and Calhoun Counties, West Virginia. Specifically, that Respondent had submitted structural, mechanical and plumbing drawings for the construction of two pools; the City of Nitro Pool, Kanawha County, West Virginia, and the Calhoun County Community Pool, Grantsville, West Virginia.
7. This resulted in a Board-initiated investigation, which was the basis of the Board's Complaint which set forth allegations that Respondent had offered and/or practiced engineering without the required license and COA. More specifically, that Respondent, offered to provide and did provide structural, mechanical and plumbing drawings for the two pools at a time when he did not hold a WV PE registration, nor a WV COA.
8. The Board initiated Complaint Number C2024-18 at its regular meeting on January 16, 2024, which was received and filed by the Board on said date.
9. The Complaint was served upon Respondent, and he filed his timely Response on February 15, 2024.
10. In his Response, Respondent provided documents which show that he specified heating, plumbing, filtration, vacuuming and chemical systems for these pools which were not designed by a WV PE. In addition, said documents indicate that he held himself out as a person who could provide engineering and design services, in violation of West Virginia Engineering Law.
11. Respondent and the Board agreed to settle this matter by the entry of this Consent Order in lieu of having a formal hearing, and foregoing his right to appeal any adverse rulings.
12. By agreement of the parties, Respondent will admit that he provided engineering services for City of Nitro pool project, Kanawha County, West Virginia, and did so at a time when he did not hold a West Virginia Professional Engineer registration.

13. The Board has considered the following factors in reaching this settlement: Respondent cooperated in the resolution of this Complaint, and has agreed to assist the Board as a witness, who will truthfully testify in other litigation, if any, regarding these two pools.
14. Respondent also agrees to delete any references on his letterhead and business cards to “engineering” and/or “design,” and refrain henceforth from using such words or similar verbiage, in describing his work or services, and that he will not use his existing stock of said letterhead and said business cards from the date he signed this Consent Order going forward.
15. 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 the complaint.

CONCLUSIONS OF LAW

16. 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.*
17. Stanley D. Wyatt, Respondent, has the power and authority to make admissions and otherwise act on his own behalf.
18. The Board may reprimand, suspend or revoke or refuse to issue, restore or renew a certificate of registration or authorization, or place on probation, impose a civil penalty or reprimand any professional engineer or firm, who has failed to comply with any of the provisions of this article or any of the rules promulgated under it. W.Va. Code §30-13-21(a)(4), (b) and (d), and §30-13-22(d).
19. The provisions of W.Va. Code §30-13-21(a) are applicable to persons and firms. W.Va. Code §30-13-21(b) and (d).

20. It is unlawful for any person to practice or offer to practice engineering, as defined by West Virginia Code §30-13-3(e) in the State of West Virginia unless that person is duly registered under the provisions of West Virginia Engineering Law. W.Va. Code §30-13-2.
21. Practicing engineering, or offering to practice engineering, as defined by W.Va. Code §30-13-3(e), without a license is an action that may subject a person to discipline by the Board, including a civil penalty up to Five Thousand Dollars (\$5,000.00). W.Va. Code R. §7-1-15.1.
22. 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.” W.Va. Code §30-13-21(b); *see also* W.Va. Code §30-13-21(d)(4) and W.Va. Code R. §7-1-15.
23. 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.
24. 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

Stanley D. Wyatt, Respondent, by affixing his signature hereon, agrees to the following:

25. Respondent acknowledges his right to consult an attorney of his choosing, at his sole expense, and he knowingly, freely, voluntarily, and without any threat of harm or act of coercion waives his right to proceed with counsel, and will proceed pro se. Further, Respondent is aware of his rights to pursue this matter through appropriate administrative

and/or court procedures, including his right to a formal hearing before the Board, and Respondent knowingly, freely and voluntarily waives his rights to a formal hearing and any subsequent appeal therefrom, and enters into this Consent Order to resolve Complaint C2024-18; provided the Board accepts the terms and conditions set forth in this Consent Order.

26. Respondent admits that he provided engineering services for City of Nitro Pool project, Kanawha County, West Virginia, and did so at a time when he did not hold a West Virginia Professional Engineer registration.
27. Based on the findings of fact set forth above, and the legal citations set forth herein, and Respondent's admissions above, the Board **FINDS** that Respondent violated W.Va. Code §30-13-3 for one (1) count of providing engineer services without a West Virginia Professional Engineering registration.
28. Respondent accepts the findings set forth above and consents to the entry of this Consent Order knowingly, freely and voluntarily, and not under duress, restraint or compulsion.
29. 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 West Virginia in consideration of this Consent Order.
30. 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 Respondent even if the Board does not approve this Consent Order.
31. 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.

32. If the Board does reject this proposal, any admissions made herein by Respondent are deemed null and void.
33. 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.
34. 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.
35. 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's 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).
36. 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, non-renewal or non-reinstatement of any certificate of registration 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.
37. 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, non-renewal or non-reinstatement of any certificate of registration 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 C2024-18 pursuant to West Virginia Code §30-13-22(b).
2. The Board **ORDERS** Respondent to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for the single violation of practicing engineering in the State of West Virginia without a WV Professional Engineer registration.
3. The civil penalty imposed herein totaling Two Hundred and Fifty Dollars (\$250.00) must be paid within thirty (30) days of the date of entry set forth below, 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’s 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 rescission of this Consent Order, reinstatement of the Complaint, the summary revocation of the license issued to Respondent by the Board, and further disciplinary action by the Board.
6. This Consent Order may be summarily enforced in the Circuit Court of Kanawha County, West Virginia, 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 of Two Hundred and Fifty Dollars (\$250.00), together with pre-judgment interest from the date of the Board 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 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. 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.
9. 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.

AGREED TO BY:


STANLEY D. WYATT

8-31-24
DATE

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 11th day of September, 2024.

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

By: 
GARTH E. THOMAS, JR., P.E.
BOARD PRESIDENT