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BEFORE THE WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

IN RE: MEP DESIGNS INC. **C2025-03**

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 Complaint seeking disciplinary action against MEP Designs Inc. (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 this 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 Firm is a corporation organized under the laws of the State of Virginia, with its principal place of business in Manassas, Virginia.
3. State law requires a provider of engineering services to possess an active Certificate of Authorization (hereinafter "COA") in order to practice engineering or to offer to practice engineering in West Virginia.
4. Board records reflect that Respondent Firm's COA (C04855-00) was issued on 12/13/2013. The record also reflects that on 1/10/2018 Respondent Firm changed its COA status from "Active" to "Inactive," until 3/8/2024, when Respondent Firm reactivated its COA. Respondent Firm's COA was in the "Inactive" status for the period from 1/10/2018, thru 3/7/2024.
5. When a firm's COA is in the "Inactive" status, the firm is not authorized to offer and / or provide engineering services for projects located in West Virginia.

6. Every West Virginia Registered Professional Engineer (hereinafter "Registrant") is required to obtain a seal reflecting Registrant's name and license number.

7. A Registrant is required to place one's seal, signature and date on all final / record specifications, reports, drawings, plans, design information and calculations whenever presented to a client or any public or governmental agency.

8. In April 2024, the Board became aware that Respondent Firm, had earlier that year, provided to its client, Dynamite Harley-Davidson (hereinafter "Client"), engineered drawings which were to be utilized for bidding, construction and/or permitting purposes of this project which was located in Putnam County, West Virginia (hereinafter "Project").

9. These engineered drawings were not stamped, nor embossed with a West Virginia Registered Professional Engineer's seal, in violation of West Virginia Engineering Law.

10. These issues resulted in a Board-initiated investigation, and were the basis of the Board's Complaint which set forth allegations that Respondent Firm was in violation of West Virginia Engineering Law. Specifically, that through the act(s) of its agent(s), servant(s) and/or employee(s), Respondent Firm presented to its Client a set of unsealed, engineered drawings to obtain bids for the construction of the Project, and that it had offered and/or practiced engineering in West Virginia at a time when its COA was in the "Inactive" status.

11. The Board initiated Complaint Number C2025-03 against Respondent Firm at its regular meeting on July 16, 2024, which was received and filed by the Board on said date.

12. On or about August 20, 2024, Respondent Firm filed its timely Response to the Complaint.

13. The Board and Respondent Firm have agreed to settle this matter through the entry of this Consent Order, wherein Respondent Firm would forego its rights to an administrative hearing, and its right to appeal, and by making certain admissions as set forth herein.

14. The Board has taken into account the following factors in reaching this settlement: the violation did not pose harm to the public; the corrective measures taken by Respondent Firm; and Respondent Firm has cooperated in the resolution of this Complaint.

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 this complaint.

CONCLUSION 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. Said Harmouche, President of Respondent Firm, has the power and authority to make admissions and otherwise act on behalf of Respondent Firm.

18. Failure to comply with any of the provisions of W.Va. Code §30-13-1 et seq., or any of the rules promulgated under W.Va. Code Chapter 30, Article 13, is a basis for disciplinary action by the Board. W.Va. Code §30-13-21(a)(4).

19. 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) and W.Va. Code R. §7-1-15.

20. Respondent Firm admits that prior to 3/8/2024, it did not possess an active COA when it provided engineering services for the project located in Teays Valley, Putnam County, West Virginia.

21. It is unlawful for any firm to practice or offer to practice engineering, as defined by West Virginia Code §30-13-3(e), in the State of West Virginia without an active COA. W.Va. Code §30-13-17.

22. Based on the findings of fact set forth above, the legal citations set forth herein, and Respondent Firm's admission above, Respondent Firm violated W.Va. Code §30-13-17 when it provided engineering services without an active COA.

23. Practicing engineering, or offering to practice engineering as defined by W.Va. Code §30-13-3(e), without an active COA is an action that may subject a firm to discipline by the Board, including a civil penalty up to Five Thousand Dollars ($5,000.00) for each offense. W.Va. Code R. §7-1-15.1.

24. 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).

25. 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 THE RESPONDENT FIRM

Said Harmouche, President of Respondent Firm, by affixing his signature hereon, agrees to the following:

26. Respondent Firm acknowledges its right to consult an attorney of its choosing, at its sole expense, and it knowingly, freely, voluntarily, and without any threat of harm or act of coercion waives its right to proceed with counsel, and will proceed pro se. Further, Respondent Firm is aware of its rights to pursue this matter through appropriate administrative and/or court proceedings, including its right to an administrative hearing before the Board, and Respondent Firm knowingly, freely and voluntarily waives these rights provided the Board accepts the terms and conditions set forth in this Consent Order.

27. Respondent Firm admits it did not possess an active Certificate of Authorization to practice engineering in the State of West Virginia when it provided a set of conceptual drawings dated 2/23/2024, to its client prior to it reactivating its Certificate of Authorization.

28. Based on the findings of fact set forth above, and the legal citations set forth herein, and Respondent Firm's admissions above, the Board **FINDS** that Respondent Firm violated W.Va. Code §30-13-17 for one count of providing engineering services in West Virginia without an active COA.

29. Respondent Firm 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.

30. 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 materials concerning Respondent Firm's activities in West Virginia in consideration of this Consent Order.

31. 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 on Respondent Firm even if the Board does not approve this Consent Order.

32. Respondent Firm 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.

33. If the Board does reject this proposal, any admissions made herein by Respondent Firm are deemed null and void.

34. Respondent Firm 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 Firm which may be before this Board.

35. Respondent Firm 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.

36. 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'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).

37. Respondent Firm 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 Authorization issued to Respondent Firm by the Board, and the addition of any other charges which may arise or ensue from Respondent Firm's non-compliance with this Consent Order.

38. Respondent Firm 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 Authorization issued to Respondent Firm 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 C2025-03 pursuant to W.Va. Code §30-13-22(b).

2. By agreement of the parties, the Board's allegation that Respondent aided and/or assisted others in violating West Virginia Engineering Law, W.Va. Code §30-13-1 et seq. and/or the rules promulgated under it, by disseminating unsealed, engineered drawings to its client, is hereby dismissed.

3. The Board **ORDERS** Respondent Firm to pay a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00) for providing engineering services without an active Certificate of Authorization.

4. The total civil penalty imposed herein is Two Hundred and Fifty Dollars ($250.00), and must be paid within thirty (30) days of the date of entry set forth below, and 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.

5. 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).

6. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.

7. If the civil penalty imposed herein is not paid within thirty (30) days of the date of entry set forth below, then Respondent Firm's license, if any, is hereby **ORDERED REVOKED**. Said revoked license may be restored once the civil penalty is paid, and Respondent Firm pays the appropriate fees, and is otherwise in good standing with the Board. W.Va. Code §30-13-21(d)(1).

8. This Consent Order may be summarily enforced in the Circuit Court of Kanawha County, West Virginia, 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 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.

9. 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.

10. 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 Firm which may come before this Board.

11. 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:

RESPONDENT FIRM

10.4.2024

MEP DESIGNS INC. **DATE**
By SAID HARMOUCHE, PRESIDENT

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 17th day of October, 2024.

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

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