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WV PE BOARD

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

**IN RE: FREDERICK GRANTHAM** **C2025-05**

## 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 Frederick W. Grantham ("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 licensed professional engineer in California. His original licensure date is January 2014, and his registration number is No. 82413.

3. Respondent is a licensed professional engineer in West Virginia. His original licensure date is September 12, 2024, and his registration number is No. 026878.

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

5. 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.

6. In November 2024, the Board became aware that Respondent, in August 2024 and September 2024, presented engineered drawings and calculations for a pedestrian bridge at the West Virginia Division of Arts, Culture, & History Culture Center, Charleston, Kanawha County, WV (hereinafter "Project") to his client.

7. The August 19, 2024 set of engineered drawings and calculations for the Project were sealed with Respondent's California PE seal, in violation of West Virginia Engineering Law.

8. The September 6, 2024 set of engineered drawings and calculations for the Project were sealed with Respondent's West Virginia PE seal, prior to the issuance of Respondent's West Virginia PE license, in violation of West Virginia Engineering Law.

9. Respondent presented these incorrectly sealed, engineered drawings and calculations to his client.

10. This resulted in a Board investigation, which indicated that prior to his September 12, 2024 West Virginia PE license issuance date, Respondent had provided engineering services for this West Virginia engineering Project, at a time when he did not have a West Virginia PE license, and at a time when he did not possess a Certificate of Authorization ("COA"), and incorrectly sealed the engineered drawings and calculations for this West Virginia engineering Project, in violation of West Virginia Engineering Law.

11. The Board, at its November 20, 2024 Board Meeting, received and filed a Board initiated Complaint against Respondent, and docketed the action as C2025-05. The Complaint set forth facts that Respondent produced two (2) sets of incorrectly sealed engineered drawings and specifications for a Project located in Kanawha County, West Virginia prior to obtaining his PE license and at a time when he did not hold a COA.

12. The Complaint was served upon Respondent, and the Board and Respondent agreed to settle this matter by the entry of this Consent Order in lieu of Respondent filing a formal response to the Complaint, and waiving his right to an administrative hearing, and waiving his right to appeal.

13. By agreement of the parties, the Board dismisses the allegation that Respondent had engaged, or attempted to engage, in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.

14. Respondent admits that he practiced engineering for this West Virginia Project prior to applying for or being issued a West Virginia Professional Engineer license.

15. Respondent admits that he practiced engineering for this West Virginia Project without a West Virginia Certificate of Authorization.

16. Respondent admits that he incorrectly sealed the August 19, 2024 engineered drawings and calculations for this Project with his California Professional Engineer seal.

17. Respondent admits that he sealed the September 6, 2024 engineered drawings and calculations for this Project with his West Virginia Professional Engineer seal, prior to being issued his West Virginia PE license.

18. The Board has considered the following factors in reaching this settlement: Respondent applied for and was issued his PE license; Respondent has agreed to apply for a COA; and Respondent cooperated in the resolution of this Complaint.

19. 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 original and amended complaint.

## CONCLUSIONS OF LAW

20. 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.

21. Frederick W. Grantham, Respondent, has the power and authority to make admissions and otherwise act on his own behalf.

22. 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).

23. 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).

24. A registrant's seal is used to identify his or her professional work. W.Va. Code §30-13-16(c).

25. A registrant's seal and signature shall appear on the first or title page of all final and/or record documents presented to a client or any public or governmental agency to certify that the work was done by a registrant or under the control of a registrant. W.Va. Code R. §7-1-7.3(a).

26. Failure to affix a seal and signature on final drawings and calculations presented to a client in violation of W.Va. Code R. §7-1-7.3(a) is a form of misuse of seal which constitutes a general violation of applicable statutes and rules.

27. Misuse of a person's West Virginia professional engineer seal subjects the person 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.

28. 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.

29. 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.

30. West Virginia engineering law allows a firm to practice engineering or to offer engineering services only upon the issuance of a Certificate of Authorization by the Board. W.Va. Code §30-13-17.

31. Practicing engineering, as defined by W.Va. Code §30-13-3(e), without a valid Certificate of Authorization 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.

32. Based on the findings of fact set forth above, and the legal citations set forth herein, Respondent was in violation of W.Va. Code §30-13-1 et seq. and the promulgated rules of the Board.

33. 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).

34. 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.

35. 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.

36. 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

Frederick W. Grantham, Respondent, by affixing his signature hereon, agrees to the following:

37. 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 C2025-05; provided the Board accepts the terms and conditions set forth in this Consent Order.

38. Respondent admits he was in violation of West Virginia Engineering Law, W.Va. Code §30-13-1 et seq. and/or the rules promulgated under it by sealing engineered drawings and calculations with a California PE seal, sealing engineered drawing and calculations with a

West Virginia PE seal prior to his PE license being issued, practicing engineering in West Virginia prior to applying for a West Virginia PE license, and practicing engineering in West Virginia at a time when he did not possess a Certificate of Authorization.

39. Respondent admits that the drawings and calculations constituted the practice of engineering as defined by W. Va. Code §30-13-3, for an engineering project located in Charleston, Kanawha County, West Virginia.

40. 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 count of providing engineering services without a registration, W.Va. Code §30-13-17 for one count of providing engineering services in West Virginia without the required COA, W.Va. Code §30-13-16 and W.Va. Code R. §7-1-7.3 for one count of misuse of seal.

41. 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.

42. 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.

43. 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.

44. 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.

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

46. 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.

47. 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.

48. 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).

49. 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.

50. 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 C2025-05 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 violation of practicing engineering in West Virginia without a PE license.

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

4. The Board **ORDERS** Respondent to pay a civil penalty in the amount of Five Hundred Dollars ($500.00) for the misuse of seal on the aforesaid engineered drawings and calculations in accordance with West Virginia Engineering Law.

5. The civil penalty imposed herein totaling One Thousand Dollars ($1,000.00) 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.

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

7. 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 One Thousand Dollars ($1,000.00), 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.

8. 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..

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.

**(Signature line appears on next page)**

**AGREED TO BY:**

**FREDERICK W. GRANTHAM** 12-30-24 **DATE**

**ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this** 9th **day of** January **, 20**25**.**

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

**By:** Garth E. Thomas Jr.
**GARTH E. THOMAS, JR., P.E.**
**BOARD PRESIDENT**