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WV REGISTRATION BOARD

BEFORE THE WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

IN RE: ROBERT G. BROCK **C2007-19**

CONSENT ORDER

Comes now the West Virginia State Board of Registration for Professional Engineers by Leonard J. Timms, P.E., its president, and its attorney, Debra L. Hamilton, Deputy Attorney General for the State of West Virginia (hereinafter "the Board") for the purpose of agreeing to disciplinary action to be taken against Robert G. Brock [hereinafter at times referred to as 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 Board is a state entity created by West Virginia Code §30-13-1 *et seq.* and is empowered to regulate the practice of professional engineering pursuant to West Virginia Code §30-13-1 *et seq.*
2. Robert G. Brock is a professional engineer licensed in many states, including West Virginia P.E. license #0110138.
3. Respondent is the engineer in responsible charge for Keymark Engineering, which holds certification of authorization (COA) C00326-00 with this Board.
4. The board-initiated complaint, charging Respondent with perpetrating a fraud or deceit upon the Board in attempting to renew his license in violation of W. Va. Code §30-13-21(a)(1), was served by certified mail on January 29, 2007.
5. The complaint was based on Respondent's reporting personal development hours in connection with courses which were not completed at the time of reporting or at

the time of the initial audit.

6. Respondent provided a written response to the Complaint on February 21, 2007, had further discussions with Board staff on February 26, 2007, and agreed to informally resolve the matter during a communication he initiated with Board counsel on March 8, 2007.
7. Respondent admits he provided misinformation to the Board in his reporting of professional development hours.
8. Respondent's conduct in connection with this Complaint, including his prompt admission that he provided false information to the Board, mitigates Respondent's culpability regarding the charge of perpetrating a fraud or deceit upon the Board in attempting to renew his license in violation of W. Va. Code §30-13-21(a)(1)
9. The Board finds it reasonable to accept Respondent's admission that he provided false information to the Board in violation of W. Va. Code §30-13-21(a)(12) and modifies the charge accordingly.
10. The Board incurred administrative costs in connection with the investigation, prosecution and resolution of this complaint but, in its discretion, will not assess administrative costs against Respondent although it is within its power to assess such costs under 7 CSR 1.14.4.
11. Respondent has waived its right to a hearing on this matter and other rights set forth in W. Va. Code §30-13-1 *et seq.* and the procedural rules of the Board.

CONCLUSIONS OF LAW

12. West Virginia engineering law allows the Board to take disciplinary action against any professional engineer who provides false information to the Board. West Virginia Code §30-13-21(a)(12).
13. Such disciplinary action may suspension or revocation of a license, probation, or imposition of civil penalties. West Virginia Code §30-13-21, 7 CSR 1.14.3.
14. Providing misinformation to the Board, to which Respondent has admitted herein, is an action that could subject a person to a civil penalties up to $15,000.00. 7 CSR 1.15.1.
15. Each day of continued violation may constitute a separate offense. 7 CSR 1.15.3.
16. All firms must have a certificate of authorization to practice or offer to practice engineering in West Virginia and, to qualify for a COA, each firm must name a professional engineer licensed and in good standing with this State as its engineer in responsible charge. West Virginia Code §30-13-17, 7 CSR 1.11.3.

CONSENT OF RESPONDENT

Respondent Robert G. Brocks, by affixing his signature hereon, agrees to the following:

17. Respondent is aware of his option to be represented by its in-house counsel and to pursue this matter through appropriate administrative and/or court procedures, but Respondent intelligently and voluntarily waives his right to do so.
18. Respondent intelligently and voluntarily waives his right to a formal hearing before the Board in this matter if the Board accepts the terms and conditions set forth in this Consent Order.

19. Respondent admits it provided misinformation to the Board in violation of West Virginia engineering law.
20. Respondent accepts the findings set forth above and the Board's order below and consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
21. Respondent understands it is his duty to inform Keymark Engineering of the effect of this Consent Order on Keymark's certificate of authorization to practice or offer to practice engineering in West Virginia.
22. Respondent acknowledges that the Board may reject this proposal and may hold a hearing to impose such sanctions of a disciplinary nature as it deems appropriate.
23. Respondent acknowledges that proof of any 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 issued to Respondent, and the addition of any other charges which may arise or ensue from again providing false information to the Board in violation of West Virginia engineering law.

ORDER

24. On the basis of the foregoing the Board hereby **ORDERS** that this Consent Order shall serve as an informal settlement of this Complaint pursuant to West Virginia Code §30-13-22(b).
25. The Board **ORDERS** that Respondent's license be suspended for a period of ninety (90) from March 8, 2007.
26. The Board **ORDERS** Respondent to pay a civil penalty in the amount of Five

Hundred Dollars ($500.00) for providing false information to the Board.

27. The civil penalty imposed herein must be paid on or before April 8, 2007, 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.
28. Respondent will not practice or offer to practice engineering in the State of West Virginia before June 8, 2007, and until he has complied with the other provisions of this Consent Order, including payment of the civil penalty imposed herein.
29. Respondent acknowledges this Consent Order and the underlying Complaint are public records and agrees that the sum and substance of the Complaint and this agreement in part or in their entirety may 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. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
31. 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 action except an action to enforce the terms of this Consent Order.
32. If the civil penalty imposed herein is not timely paid, this Consent Order may be summarily enforced in the Circuit Court of Kanawha County 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 ($500.00), 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.

33. 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.

34. 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.

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

By: _____

EDWARD L. ROBINSON, P.E.
Board Vice President

Date: 4/9/07

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ROBERT G. BROCK, Respondent

Date: April 4, 2007