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BEFORE THE WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

IN RE: ALLEN R. MOORE **C2009-1**

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") and Allen R. Moore (hereinafter at times referred to as Respondent) for the purpose of agreeing to disciplinary action to be taken against 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. Allen R. Moore is a professional engineer licensed in many states, including West Virginia, where he holds P.E. license #15776 and certification of authorization (COA) C02565-00.
3. The board-initiated complaint, based on Respondent's felony conviction for one count of statutory sodomy, was served by certified mail on August 15, 2008.
4. A proposed Consent Order was served simultaneously with the Complaint.
5. Respondent admits he was convicted of one felony count of statutory sodomy.
6. The Board incurred only minimal administrative costs in connection with the investigation, prosecution and resolution of this complaint and, 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.

7. Respondent waives his 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

8. West Virginia engineering law allows the Board to take disciplinary action against any professional engineer who has been convicted of a felony whether related to the practice of engineering or not. West Virginia Code §30-13-21(a)(3).
9. Such disciplinary action includes revocation of a license and/or the imposition of civil penalties. West Virginia Code §30-13-21, 7 CSR 1.14.3.
10. A conviction is conclusive evidence of the guilt of the crime(s) of which the engineer has been convicted, and the Board shall treat the judgment as a complaint for misconduct and violation of professional responsibility. West Virginia Code §30-13-17, 7 CSR 2-4.6(b).

CONSENT OF RESPONDENT

Respondent Allen R. Moore, by affixing his signature hereon, agrees to the following:

11. Respondent is aware of his option to be represented by counsel and to pursue this matter through appropriate administrative and/or court procedures, but Respondent intelligently and voluntarily waives his right to do so.
12. 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.
13. Respondent admits he was convicted of a felony, thereby subjecting him to disciplinary action by this Board.

14. Respondent understands this Consent Order will result in the permanent revocation of his right to practice engineering in West Virginia.
15. 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.
16. 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.
17. Respondent understands 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 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).
18. Respondent understands any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.

ORDER

19. 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).
20. The Board **ORDERS** that Respondent's license be permanently revoked effective immediately.
21. Respondent will not practice or offer to practice engineering in the State of West Virginia on or after the date of this Consent Order.
22. This Consent Order and the underlying Complaint are public records and the sum

and substance of the Complaint and this agreement in part or in their entirety are to 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).

23. Any violation of the terms of this Consent Order is immediate cause for further disciplinary action by the Board.
24. This Consent Order may not be the subject of any appeal or other civil or administrative action by Respondent.
25. This matter shall be closed upon execution of this Consent Order by both parties .
26. 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: _____
LEONARD J. TIMMS, P.E.
Board President

Date: 9/03/08

_____
ALLEN R. MOORE, Respondent

Date: 8-22-08