

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

**IN RE: CHURCHES ENGINEERING, LLC
and CHURCHES ENGINEERING**

C2016-18

CONSENT ORDER

Comes now the West Virginia State Board of Registration for Professional Engineers by Edward L. Robinson, P.E., its President, (hereinafter “the Board”) for the purpose of agreeing to resolve a Complaint which initially sought disciplinary action against Charles Churches, Jr. (hereinafter at times “Churches Jr.”) and Churches Engineering, LLC (hereinafter at times “Respondent Firm No. 1”), which is owned by Churches Jr.’s father, Charles Churches, Sr. (hereinafter “Churches Sr.”). Churches Jr.’s firm, based on Board records, is Churches Engineering (hereinafter at times “Respondent Firm No. 2”; these respondents against whom the Board has agreed to proceed are at times referred to as “Respondent Firms”).

As reflected in this document, the parties have reached an agreement concerning the proper disposition of this matter. The Board has agreed to dismiss Churches Jr. from C2016-18 and to dismiss C2017-07 initiated by the Board in its entirety and to proceed only against the Respondent Firms. As part of this agreement, both Churches Jr. and Churches Sr. agreed to voluntarily surrender their West Virginia certificates of registration and seals and to not re-apply for licensure in the future. Their certificates and seals were received by the Board on July 10, 2017, and both licenses were permanently surrendered upon receipt.

The Board, upon approval of this agreement, does hereby **FIND** the following:

1. The matter set forth herein is 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. This matter is based on a rather confusing sequence of events wherein both the father and the son had or sought sole proprietorship Certificates of Authorization (COAs) with this Board, but, as set forth below, proceeded to do engineering work in West Virginia without either one holding a valid COA.
3. Churches Sr. owned or formerly owned Churches Engineering, LLC (Respondent Firm No. 1), which held COA #C02946. COA #C02946 was first issued in the name of Churches Consulting Engineers in 2006 with the fee required for firms with three or fewer engineers.
4. On June 29, 2012, Respondent Firm No. 1 renewed as a sole proprietorship, which means his firm had no employees and for which there is no fee; and in July 2013, Respondent Firm No. 1 submitted an application for change of the company name to Churches Engineering, LLC.
5. Respondent Firm No. 1's COA #C02946 was invalidated on October 13, 2015, because Churches Sr. had not renewed his license (WV license number #08230), which had expired on June 30, 2015.
6. Churches Sr. reinstated his engineering license on October 20, 2015, but Respondent Firm No. 1's COA #C02946 was never reinstated.
7. Churches Jr. applied for licensure on September 22, 2015, and license #21559 was assigned on September 29, 2015 and activated on October 16, 2015, after the Board's receipt of a copy of his seal and the required payment.

8. Thereafter, Churches Jr. applied for and received a sole proprietorship COA for Respondent Firm No. 1 (COA #C05354) on October 30, 2015.
9. Churches Jr. and perhaps Churches Sr. did engineering work for an existing client of Respondent Firm No. 1, a scaffolding company in Pittsburgh, Pennsylvania, on September 21, 2015, which resulted in the submission of scaffolding drawings dated October 14, 2015, which were signed and sealed by Churches Jr.
10. The confusion between the two Respondent Firms was reflected on their shared website – www.churchesengineering.com – which in 2016 asserted the capability of practicing in West Virginia stemming from the licensure of Churches Sr., who could not practice in West Virginia in 2016 since he did not have the required COA.
11. The Board has taken into account the following factors in reaching this settlement: the fact that Churches Jr. filed for licensure immediately after he performed engineering work for the project in West Virginia and had at least sent in the information and fee needed to activate his license prior to signing and sealing the work; Churches Jr.'s attempts to obfuscate the facts relevant to this complaint in various regards countered by his candor in correcting the misinformation in his response to the Complaint regarding when he performed the engineering work; Churches Jr.'s lack of cooperation in the resolution of this Complaint; and Churches Jr.'s continued representations that the records of the Board were wrong even though the records of the Board reflected the various applications received.
12. The confusing and contradictory nature of much of the information provided by Churches Jr. increased the amount of time required to investigate and resolve this matter.
13. The Board incurred administrative costs in the prosecution of this Complaint in an amount in excess of Three Thousand Five Hundred Dollars (\$3,500.00), which expenses relate solely to the Board's legal expenses and do not include costs reflecting time

expended by Board staff in the investigation, initiation and administration of this Complaint and the Complaint herein dismissed.

CONCLUSIONS OF LAW

14. 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.*
15. Charles Churches, Sr., as the President and Owner of Respondent Firm No. 1, and Charles Churches, Jr., as the President and Owner of Respondent Firm No. 2, have the power and authority to make admissions and otherwise act on behalf of their respective Respondent Firms.
16. West Virginia engineering law allows a firm to practice or offer to practice engineering only upon the issuance of a certificate of authorization by the Board. W. Va. Code § 30-13-17.
17. The Board may suspend or revoke or refuse to issue, restore or renew a certificate of registration of, or place on probation, impose a civil penalty or reprimand any professional engineer 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).
18. The provisions of W. Va. Code § 30-13-21(a) are applicable as appropriate to firms. W. Va. Code § 30-13-21(b) and (d).
19. 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).

20. A valid COA means that a COA is in effect and is of the correct classification of authorization. W. Va. Code R. § 7-1-11.2.
21. A firm can only practice under a sole proprietorship COA if the firm has no employees; therefore, only the licensed engineer can practice for compensation or other remuneration under a sole proprietorship COA.
22. Churches Jr. either practiced under his father's sole proprietor COA, which does not allow anyone other than the engineer-in-responsible-charge to practice (Churches Sr.) or practiced prior to obtaining his own COA, either of which are in violation of West Virginia engineering law.
23. Any practice by Churches Sr. between July 1 and October 20, 2015, would have been done without a valid license and at any time prior to the surrender of same without the required COA, both of which are in violation of West Virginia engineering law.
24. Practicing or offering to practice engineering, as defined by W. Va. § 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). W. Va. Code R. § 7-1-15.1.
25. 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.
26. 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 RESPONDENTS

Charles Churches, Sr., as the President and Owner of Churches Engineering, LLC, and Charles Churches, Jr., as the President and Owner of Churches Engineering, by affixing their signature hereon, agree to the following:

27. Respondent Firms are aware of their right to be represented by counsel and to pursue this matter through appropriate administrative and/or court procedures, including their right to a formal hearing before the Board, and Respondents intelligently and voluntarily waive these rights provided the Board accepts the terms and conditions set forth in this Consent Order.
28. Churches Jr. and Churches Sr. admit that, under the timeline of the work performed in West Virginia and their failure to have the necessary credentials on the relevant dates of the engineering services for the Racine project, Respondent Firms' engineering work in this State was in violation of West Virginia engineering law.
29. Respondent Firms accept the findings set forth above and consent to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
30. Respondent Firms agree to never seek reinstatement of their respective credentials to practice engineering in the State of West Virginia.
31. Respondent Firms acknowledge that entering into the negotiation of this Consent Order constitutes a waiver of any and all objections regarding the timeliness of Board action on Complaint Number C2016-18. This paragraph is binding on Respondent Firms even in the event that the Board does not approve this Consent Order.
32. Respondent Firms acknowledge 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 Firms authorize the Board to review and examine all investigative

file materials concerning Respondent Firms' activities in West Virginia in consideration of this Consent Order.

33. Should the Board not approve this Consent Order, Respondent Firms waive any objections to the Board or any of its members participating in the adjudication of this matter. This paragraph is binding on the Respondent Firms even if the Board does not approve this Consent Order.
34. Respondent Firms acknowledge 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.
35. Respondent Firms understand 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 the same with regard to any future disciplinary matter involving Respondent Firms or their owners which may be before this Board.
36. Respondent Firms understand 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.
37. Respondent Firms agree 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).

38. Respondent Firms acknowledge that non-compliance with this Consent Order may result in the rescission of this agreement, the reinstatement of the Complaint, and the addition of any other charges which may arise or ensue from Respondents' non-compliance with this Consent Order.
39. Respondents acknowledge 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, 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 C2016-18 pursuant to West Virginia Code § 30-13-22(b).
2. Given that Respondent Firms currently have no Certificates of Authorization and that Respondent Firms have agreed to never seek reinstatement of their respective credentials to practice engineering in the State of West Virginia, each and both of Respondent Firms are prohibited from practicing engineering in West Virginia and further prohibited from applying for such credentials in the future.
3. The Board **ORDERS** Respondent Firm No. 1 to pay a civil penalty in the amount of Two Hundred and Fifty Dollars (\$250.00) for practicing engineering in West Virginia without a Certificate of Authorization.

4. The Board **ORDERS** Respondent Firm No. 2 to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for practicing engineering in West Virginia without a Certificate of Authorization.
5. The Board **ORDERS** Respondent Firms to pay administrative costs in the significantly discounted amount of One Thousand Five Hundred Dollars (\$1,500.00) in settlement of Complaint number C2016-18 for practicing engineering in West Virginia without a Certificate of Authorization.
6. The civil penalties imposed herein totaling Five Hundred Dollars (\$500.00) 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.
7. The administrative costs agreed to herein in the total amount of One Thousand Five Hundred Dollars (\$1,500.00) shall be paid by separate payment within thirty (30) days from the date of entry, such amount to be made payable to the W. Va. P.E. Board.
8. 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).
9. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
10. If the civil penalties and administrative costs totaling Two Thousand Dollars (\$2,000.00) imposed herein are not timely paid, this Consent Order may be summarily enforced in the Circuit Court of Kanawha County without further notice to Respondents upon application

by the Board for the entry of a Judgment Order for the total amount of payment agreed to herein, 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.

11. This matter shall be closed upon execution of this Consent Order by all parties and the full payment of the civil penalties and administrative costs agreed to herein.
12. 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 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 Respondents which may come before this Board.
13. 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.

[signatures appear on next page]

AGREED TO BY:



9-13-2017

CHARLES CHURCHES, SR.,
as President and Owner of
CHURCHES ENGINEERING, LLC

DATE



9-13-2017

CHARLES CHURCHES, JR.,
as President and Owner of
CHURCHES ENGINEERING

DATE

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 20 day of Sept, 2017.

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

By:



EDWARD L. ROBINSON, P.E.
BOARD PRESIDENT