

BEFORE THE WEST VIRGINIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS

IN RE: Steven D. Faulkner

CASE NO. 2004-3

PROPOSED CONSENT ORDER

Comes now the West Virginia State Board of Registration for Professional Engineers and Frank Gaddy, its chairman (hereinafter the "Board"), by its attorney, Debra L. Hamilton, Deputy Attorney General for the State of West Virginia, for the purpose of agreeing to disciplinary action which shall be taken against Steven D. Faulkner by the Board pursuant to West Virginia Code § 30-13-21. 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. Steven D. Faulkner, (hereinafter at times "Mr. Faulkner" or "Respondent") is an individual who does not possess a West Virginia professional engineering license issued by this Board.
3. A complaint has been filed against Mr. Faulkner alleging that he has held himself out to be an engineer although he is not registered in the State of West Virginia and has practiced engineering in West Virginia without a license in violation of West

Virginia law. Specifically, the complaint alleged that Mr. Faulkner is providing consultant engineering services for Western Greenbrier Co-Production Demonstration Project and for the Greenbrier County Commission.

4. Respondent states he used the title of "engineer" while working for the West Virginia Department of Highways, but admits that the Board had taken prior actions regarding his misleading use of the title. In 1991, Mr. Faulkner agreed not to use a business card which identified him as a "Bridge Design Engineer" but continued use of the title resulted in similar Board action in 1998.

5. Respondent admits he is not an engineer. He has been certified as an engineering technician and his actual job title at the time of his retirement was senior engineering technician IV.

6. Respondent acknowledges that he is not qualified to practice or offer to practice engineering in this State and therefore any engineering work performed by him would be in violation of the laws of the State of West Virginia.

7. Respondent states that those requesting the work knew he was not an engineer and/or contends that the work was not engineering work.

8. Steven D. Faulkner agrees to accept an informal settlement of Complaint 2004-3.

CONCLUSIONS OF LAW

1. West Virginia Code § 30-13-21 authorizes the Board to discipline any person practicing or offering to practice engineering in the State of West Virginia.

2. Among its other powers, the Board has the power to levy fines and assess costs. W. Va. Code § 30-13-21(d)(4).

3. The charges set forth in Complaint 2004-3, if found to be true, would amount to actions that would subject a person to discipline by the Board, and the Board may take into account past disciplinary actions in evaluation and acting upon this Complaint.

CONSENT OF STEVEN D. FAULKNER

Steven D. Faulkner, by affixing his signature hereon, as the Respondent herein, agrees to the following:

1. Steven D. Faulkner acknowledges that he is aware of the option to retain and be represented by legal counsel and to pursue this matter through appropriate administrative and/or court procedures, but intelligently, knowingly and voluntarily waives his right to do so.

2. Steven D. Faulkner 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 herein.

3. Steven D. Faulkner consents to the entry of the following Order freely and voluntarily and not under duress, restraint or compulsion.

4. Steven D. Faulkner acknowledges that the Board may reject this proposal and may hold a hearing to impose other sanctions of a disciplinary nature as it deems

appropriate.

ORDER

1. On the basis of the foregoing the Board hereby **ORDERS** that this Consent Agreement shall serve as an informal settlement pursuant to West Virginia Code § 30-13-22(b).

2. The Board **ORDERS** Steven D. Faulkner to pay a fine in the amount of Two Hundred Fifty Dollars (\$250.00), with no imposition of administrative costs. This payment shall be received by the Board no later than thirty (30) days after Mr. Faulkner signs this Agreement and shall be made payable to the State of West Virginia and transferred to the general fund of the State of West Virginia by the Board upon receipt.

3. Steven D. Faulkner states he will terminate his engineering work for the Western Greenbrier Co-Production Demonstration Project and the Greenbrier County Commission and covenants he will not practice or offer to practice engineering in the State of West Virginia. Respondent further agrees not to use the term "engineer" in relation to any work he has done or will do and to object to or correct any use of the term "engineer" to describe him or his work. For purposes of this paragraph, "engineer" shall include any variation of the term "engineer" except "engineering technician."

5. Any violation of the terms of this Consent Agreement shall be immediate cause for a hearing and further disciplinary actions by the Board.

6. Mr. Faulkner acknowledges that the Complaint and most documents relating to the Complaint are public records and agrees that the sum and substance of

this Complaint may be set forth in Board publications and on the Board website.

WEST VIRGINIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS

By Frank L. Gaddy
Frank L. Gaddy, P.E.
Board President

Date: 9/20/2004

Steven D. Faulkner
Steven D. Faulkner

Date: 9-22-2004