

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

IN RE: Tuhin Basu & Associates, Inc.

C2006-11

CONSENT ORDER

Comes now the West Virginia State Board of Registration for Professional Engineers by Leonard J. Timms, P.E., its president (hereinafter the "Board"), and 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 Tuhin Basu [hereinafter at times "Mr. Basu"] and Tuhin Basu & Associates, Inc. [hereinafter at times "Basu" or "Respondent company"]. 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. Tuhin Basu is president and owner of Tuhin Basu & Associates, an engineering firm incorporated in the State of Virginia with offices in Virginia and Maryland and also doing business in the State of South Carolina.
3. This Complaint was initiated by the Board on May 8, 2006, and was served upon Respondents by certified mail.
4. The Complaint alleged that Respondents practiced or offered to practice engineering work in West Virginia without the required license or certificate of authorization (COA).

5. The Complaint was based on Mr. Basu's self-report to this Board that Respondents had a job in West Virginia and needed a COA issued prior to commencement of the work.
6. By letter dated April 13, 2006, Mr. Basu forwarded applications to this Board requesting that an employee of Basu be granted licensure by comity and that Respondent company be issued a COA.
7. Mr. Basu was informed that Respondent company could not be issued a COA until a professional engineer licensed in State of West Virginia and employed full-time by Respondent company could be named as the engineer in responsible charge on the COA application.
8. Mr. Basu was further informed that the employee's application for comity licensure would be processed forthwith.
9. Mr. Basu admits he and respondent company offered to practice engineering in West Virginia without the required licensure and COA.
10. Mr. Basu represents that neither he nor Respondent company have practiced engineering in the State of West Virginia.
11. Respondents' self-reporting and subsequent cooperation with the Board, together with the fact that Respondents did not engage in the actual practice of engineering prior to obtaining the required licensure and certification, have mitigated the Respondents' culpability regarding the charges of offering to practice engineering without a license or COA to such an extent that the Board finds it fair and reasonable to dismiss the individual charge against Mr. Basu.
12. The Board finds it fair and reasonable to proceed only against Respondent company for its offer to practice engineering with the required COA.
13. Respondent company 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.

14. The Board incurred only minimal expenses with regard to this Complaint and therefore finds it appropriate to enter into this consent order without the imposition of costs.

CONCLUSIONS OF LAW

15. West Virginia engineering law allows a firm to offer to practice engineering only upon the issuance a certificate of authorization by the Board, which cannot be issued without a professional engineer being named as the engineer in responsible charge. West Virginia Code §30-13-17.
16. West Virginia Code §30-13-17(a) further requires that a professional engineer licensed in West Virginia be in direct control or have personal supervision of the firm's practice or offer to practice engineering in this State.
17. West Virginia Code §30-13-21(b) authorizes the Board 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." See *also* W. Va. Code §30-13-21(d)(4).
18. Offering to practicing engineering without a COA, to which Respondent company has admitted, is an action that would subject a person or firm to discipline by the Board, including a civil penalty up to \$5000.00. 7 C.S.R. 1.15.1.
19. Each day of continued violation may constitute a separate offense. 7 C.S.R. 1.15.3.

CONSENT OF TUHIN BASU & ASSOCIATES, INC.

Tuhin Basu, President of Tuhin Basu & Associates, Inc., by affixing his signature hereon, agrees to the following individually and on behalf of Respondent company:

20. Mr. Basu understands this settlement is in part based on the Board's reliance on the information contained in Mr. Basu's correspondence of April 13, 2006, including the handwritten communications thereon, and other verbal representations made to this Board.
21. Respondent company is aware of its option to pursue this matter through appropriate administrative and/or court procedures, but Mr. Basu on behalf of Respondent company intelligently, knowingly and voluntarily waives that right.
22. Mr. Basu intelligently and voluntarily waives Respondent company's right to a formal hearing before the Board in this matter if the Board accepts the terms and conditions set forth herein.
23. Mr. Basu on behalf of Respondent company agrees to accept an informal settlement of Complaint 2006-11.
24. Mr. Basu on behalf of Respondent company consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.
25. Mr. Basu on behalf of Respondent company 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.
26. Mr. Basu acknowledges that proof of any misstatement or misrepresentation made by him herein, on Respondent company's application for COA, or on any other document or statement relied upon in the entering of this consent order, will result in the rescission of this agreement, the reinstatement of the Complaint, the summary revocation of any certificate of authorization issued subsequent to the entry of this

Order, 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.

27. Mr. Basu on behalf of Respondent company acknowledges that a professional engineer licensed in West Virginia must be in direct control or have personal supervision of the respondent company's practice or offer to practice engineering in this State and agrees to same.

ORDER


28. 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).
29. The Board **ORDERS** Respondent company to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for offering to practice engineering without a certification of authorization.
30. The civil penalty imposed herein must be paid within fifty (50) days of the date of the signature of the Board President, made payable to the W. Va. P.E. Board for transfer to the general fund of the State of West Virginia upon receipt.
31. Respondent company shall not practice or offer to practice engineering in the State of West Virginia unless and until it holds a valid Certificate of Authorization issued by this Board, which COA shall not issue until Respondent has qualified for same and paid the civil penalty imposed herein.
32. Respondent company acknowledges this Consent Order is a public record and agrees that the sum and substance of the nature of the Complaint and this agreement in part or in its entirety may be set forth in Board publications and on the

and paid the civil penalty imposed herein.

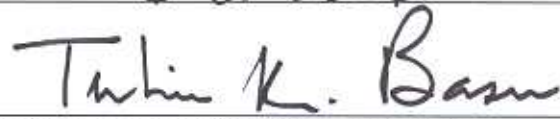
32. Respondent company acknowledges this Consent Order is a public record and agrees that the sum and substance of the nature of the Complaint and this agreement in part or in its entirety may be set forth in Board publications and on the Board website, as well as other appropriate placements, including the non-public enforcement exchange database administered by the National Council of Examiners for Engineering and Surveying (NCEES).
33. Any violation of the terms of this Consent Order shall be immediate cause for summary revocation of any COA issued to Respondent company and further disciplinary action by the Board.
34. 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 initiated by Respondent.

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS

By: _____


LEONARD J. TIMMS, P.E.
Board President

Date: 6-2-2006


TUHIN BASU & ASSOCIATES, INC.
by TUHIN BASU, its President

Date: May 31, 2006

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