

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

**IN RE: CHANDER P. NANGIA**

**C2011-02**

**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 disciplinary action to be taken against Chander P. Nangia (hereinafter "the Respondent"). As contained herein, the parties have reached an agreement concerning the proper disposition of this matter, and the Board, upon approval of the same, does hereby **FIND** the following:

1. The Board is a State entity, created by *W. Va. Code § 30-13-1 et seq.*, and is empowered to regulate the practice of engineering pursuant to the same.
2. Respondent is a licensed Professional Engineer, with a principal place of business in the State of Texas.
3. Respondent is also licensed in other jurisdictions, and has been licensed in the state of West Virginia, License Number 7046, since 1976.
4. Information newly available to the Board indicated that the Respondent had been subject to disciplinary action in other jurisdictions.
5. The Board's subsequently reviewed the Respondent's West Virginia renewal applications for disclosure of any investigations or disciplinary actions in other jurisdictions.

6. Respondent's renewal applications answered in the negative to the following question for the years 2007-2008, 2008-2009, and 2009-2010:

HAVE YOU BEEN SUBJECT TO DISCIPLINARY ACTION  
OR INVESTIGATION BY ANOTHER JURISDICTION  
SINCE YOUR LAST WEST VIRGINIA P.E. RENEWAL?

7. A similar question was asked on the 2010-2011 Annual Renewal form, which Respondent again answered in the negative.
8. Upon further investigation by the Board, it was determined that the Respondent had voluntarily surrendered his Professional Engineering license in other jurisdictions.
9. At its regular meeting, the Board initiated Complaint Number C2011-02 which was filed on July 21, 2010.
10. Respondent, by and through counsel, submitted a written response on September 27, 2010, which, among other things, asserted that the Respondent misunderstood the legal effect of the voluntary surrender of his Professional Engineering license in other jurisdictions.
11. Respondent now agrees that the proper answer to the question posed on his renewal applications, as set forth above, is "YES."
12. Respondent admits that the effect of denying the question posed on his renewal applications, as stated above, constituted misinformation to the Board in violation of *W. Va. Code § 30-13(a)*<sup>12</sup>.

13. The Board has considered the following factors in determining the amount of the civil penalty to be assessed: (1) the circumstances leading to the violation; (2) the extent to which Respondent cooperated with the Board in investigating and resolving this matter; and (3) the Respondent's 34 years of licensure in the State of West Virginia without any disciplinary action.
14. In considering such factors, the Board deems it reasonable to reduce the number of counts of misinformation to the Board from four {4} to three {3} counts, for the purposes of achieving an informal settlement under terms acceptable to both parties.
15. Respondent's prompt attention to the Complaint and admissions regarding same served to minimize the costs incurred by the Board. Therefore, the Board, in its discretion, will not assess administrative costs although the Board finds that it incurred such costs and it is within its power to assess such costs as set forth in *W. Va. Code § 30-13-21(d)(4)* and *W. Va. Code R. § 7-1-14.4*.
16. To the extent that this Consent Order is approved by the Board, the 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**

17. The Board may take disciplinary action against any person who perpetrated a fraud or deceit in obtaining or renewing a professional engineering license pursuant to *W. Va. Code § 30-13-21(a)(1)*.

18. The Board may take disciplinary action against any person who provided false information to the Board pursuant to *W. Va. Code* § 30-13-21(a)(12).
19. Fraud, deceit, misrepresentation, or misinformation to the Board is an action that would subject a person to discipline by the Board, including a civil penalty up to Fifteen Thousand Dollars {\$15,000.00} pursuant to *W. Va. Code R. § 7-1-15.1*.
20. Each day of continued violation may constitute a separate offense pursuant to *W. Va. Code R. § 7-1-15.3*.
21. In determining the amount of a civil penalty to be assessed, the Board may consider such factors as:
  - (a). Whether the amount imposed will be a substantial economic deterrent to the violation;
  - (b). The circumstances leading to the violation;
  - (c). The nature and severity of the violation and the risk of harm to the public;
  - (d). The history of previous violations;
  - (e). The extent to which the cited person or firm has cooperated with the Board and the Board's investigation;
  - (f). The economic benefits gained by the violator as a result of the noncompliance;
  - (g). The interest of the public; and
  - (h). Other matters as may be appropriate.

*W. Va. Code R. § 7-1-15.4.*

### **CONSENT OF RESPONDENT**

The Respondent, by affixing his signature hereon, agrees to the following:

22. Respondent is represented by counsel and is aware of his option to pursue this matter through appropriate administrative and/or Court procedures, but Respondent intelligently and voluntarily waives his right to do so in the event that this Consent Order is approved by the Board.
23. Respondent intelligently and voluntarily waives his right to a formal hearing before the Board in this matter provided that the Board accepts the terms and conditions set forth herein.
24. Respondent accepts the findings set forth above, agrees to settle this matter based on three {3} counts of providing misinformation to the Board in violation of *W. Va. Code § 30-13-21(a)(12)*, and consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint, or compulsion.
25. Respondent acknowledges 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 C2011-02. This paragraph is binding on the parties hereto, even in the event that the Board does not approve this Consent Order.
26. Respondent acknowledges 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 authorizes the Board to review and examine all investigative file material concerning Respondent prior to or in conjunction

with consideration of this Consent Order. This paragraph is binding upon the parties even if the Board does not approve this Consent Order.

27. Should the Board not approve this Consent Order, Respondent waives any objections to the Board or any of its members participating in the adjudication of this matter. This paragraph is binding upon the parties even if the Board does not approve this Consent Order.
28. Respondent acknowledges that the Board may reject this proposal, complete the hearing, and, upon adjudication, impose such sanctions of a disciplinary nature as it deems appropriate.
29. Upon acceptance by the Board, 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 action between the parties except an action to enforce the terms of this Consent Order.
30. Respondent understands that the complaint, his written response and perhaps other written communications regarding same are public records which must be made available upon legal request in accordance with the state's Freedom of Information Act.
31. Respondent 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).

32. 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, 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**

33. 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 and compromise of Complaint number C2011-02 pursuant to *W. Va. Code § 30-13-22(b)*.
34. The Board further **ORDERS** Respondent to pay a civil penalty in the amount of Five Hundred Dollars {\$500.00} for each of the three {3} counts of misinformation to the Board as agreed to herein, for a total civil penalty of Fifteen Hundred Dollars {\$1,500.00}.
35. The Board further **ORDERS** Respondent to pay the civil penalty imposed herein, totaling Fifteen Hundred Dollars {\$1,500.00} within thirty days {30 days} of the date Respondent receives notice of the Board President's signature hereon, 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. Failure to remit the payment of

these civil penalties within the prescribed time period will result in further disciplinary action.

36. 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 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).
37. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
38. If the civil penalties imposed herein are 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 upon herein {\$1,500.00}, 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.
39. This matter shall be closed upon execution of this Consent Order by both parties and the full payment of the civil penalties agreed to herein.
40. 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.

**AGREED TO BY:**

  
CHANDER P. NANGIA

3/17/2011  
DATE

**ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 28 day of March, 2011.**

**BY:**   
**EDWARD L. ROBINSON, P.E.**  
**BOARD PRESIDENT for the**  
**WEST VIRGINIA STATE BOARD**  
**OF REGISTRATION FOR**  
**PROFESSIONAL ENGINEERS**

3/22/11  
DATE

**PREPARED BY:**

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