

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

IN RE: SAFETY CONSULTING ENGINEERS, INC.

C2007-17

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") for the purpose of agreeing to disciplinary action to be taken against Safety Consulting Engineers, Inc. [hereinafter at times referred to as 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. Safety Consulting Engineers, Inc., is a corporation organized under the laws of the State of Illinois with its principal office in Schaumburg, Illinois.
3. C. James Dahn, formerly licensed as a professional engineer in the State of Illinois, is the President of Safety Consulting Engineers, Inc., and has the power and authority to make admissions and otherwise act on behalf of Respondent.
4. Information provided by Respondent and others to the Board and Respondent's use of the word "Engineers" in its corporate name form the basis of this Complaint.
5. The board-initiated complaint was served by certified mail on January 8, 2007, and this Consent Order was negotiated as a result of communications between

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the Board and Respondent.

6. Respondent neither admits or denies the allegations in the Complaint, but chooses not to defend against the charges and accepts that the name itself creates a rebuttable presumption that Respondent is engaged in the practice of engineering.
7. Respondent admits it provided testing services in the State of West Virginia and accepts the Board's position that such services were engineering services since Respondent offered no proof to the contrary.
8. Respondent admits it did and does not have a certificate of authorization to practice engineering in West Virginia.
9. The Board, in its discretion, will not assess administrative costs and will not initiate a complaint against Respondent's engineers for practicing engineering in West Virginia without a license although the Board finds it is within its power to assess such costs and bring such a complaint.
10. Respondent 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.

CONCLUSIONS OF LAW

11. 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. West Virginia Code §30-13-17.
12. 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." West Virginia Code §30-13-21(b); *see also* W. Va. Code §30-13-21(d)(4).
13. Practicing or offering to practice engineering without a valid COA, to which

Respondent has admitted herein, is an action that could subject a firm to discipline by the Board, including a civil penalty up to \$5000.00. 7 CSR 1.15.1.

14. Each day of continued violation may constitute a separate offense. 7 CSR 1.15.3.

CONSENT OF RESPONDENT

C. James Dahn, as president of Safety Consulting Engineers, Inc., by affixing his signature hereon, agrees to the following on behalf of Respondent Safety Consulting Engineers, Inc.:

15. Respondent is aware of its right to be represented by counsel and of its option to pursue this matter through appropriate administrative and/or court procedures, but Respondent intelligently and voluntarily waives its right to do so.
16. Respondent intelligently and voluntarily waives its right to a formal hearing before the Board in this matter if the Board accepts the terms and conditions set forth herein.
17. Respondent admits that its names implies it is providing engineering services and chooses not to defend the charge that it practiced engineering in West Virginia without the required certificate of authorization.
18. Respondent accepts the findings set forth above and consents to the entry of this Consent Order freely and voluntarily and not under duress, restraint or compulsion.

19. 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.
20. 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, the summary revocation of any certificate of authorization issued to Respondent, 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

21. 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).
22. The Board **ORDERS** Respondent to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250.00) for practicing engineering without a certificate of authorization.
23. The civil penalty imposed herein was prior to the date of this Consent Order based on a previously agreed to Consent Order to which Respondent made handwritten, unilateral changes which were rejected by the Board.
24. Respondent will 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.
25. Respondent acknowledges 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 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).

26. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.
27. 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 action by Respondent.
28. This matter shall be closed upon execution of this Consent Order by both parties.
29. 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: July 11, 2007


SAFETY CONSULTING ENGINEERS, INC.
By C. JAMES DAHN, Its President

Date: 5 July 07