STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
VERMONT BOARD OF PROFESSIONAL ENGINEERING

IN RE:

WOODLAND W. HOLM
License No. 018-0007153

Docket No: PE 04-0403

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and Respondent, Woodland W. Holm and enter
into the following stipulation and consent order.

Board Authority

1. The Vermont Board of Professional Engineering ("the Board") has authority, after finding unprofessional conduct, to issue warnings or reprimands, suspend, revoke, limit, condition or prevent the renewal of licenses whether or not a license has lapsed. 3 V.S.A. §§129, 129a and §814(d); and 26 V.S.A. §§1172, 1191 and 1192.

2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).

Rules

3. When an applicant successfully completes all requirements for licensure, the Board will issue a license certificate which shall be displayed during the period of active professional engineering practice. Licensees shall obtain a seal which shall be used when signing plans, designs, specifications, plats, reports, etc. (26 V.S.A. §1188). The Board shall provide an impression of an acceptable seal design upon request.

4. There are areas of engineering practice which may be performed by non-engineers under other licensing statutes. Examples of such engineering practice include, but are not limited to, septic tank and leach field design by on-site technicians, and certain work performed by master electricians and master plumbers.

5. Licensees may choose to perform such work in other disciplines under the statutes and regulations governing the conduct of such work outside the professional engineering statutes and regulations. The licensee shall not seal or sign such work as a professional engineer. To stamp or sign such
work as an engineer implies to the public that the licensee is registered in the discipline which encompasses such work.

6. This does not restrict the performance of engineering work in another specialty ancillary to a licensee's discipline which is considered a part of the usual and customary practice of the licensee's discipline. Rules of the Board of Professional Engineering ("RBPE") 6.2.

Facts

7. The Respondent, Woodland W. Holm, is a Licensed Professional Engineer holding a license issued by the State of Vermont, license number 018-0007153.

8. The Respondent's address, as currently recorded in the Office of Professional Regulation database, is Holm Engineering, 10735 Hamilton Pass, Fishers, IN 46038.


10. Respondent has admitted to the State's Investigator that for approximately the past five years the Respondent has been placing his Vermont stamp on electrical drawings which were completed by designers in Respondent's employ or office. These drawings are outside of the discipline of mechanical engineering for which the Respondent is licensed.

11. The Respondent has also informed the State's Investigator that for the most part, the Respondent does not visit the sites that are relevant to the plans on which he places his Vermont stamp. Generally, the designers complete the drawings and then they either fax or FedEx them to the Respondent for the Respondent's signature and stamp.

Charges

12. The above act(s), omission(s) and/or circumstance(s) concerning the paragraphs listed above, taken alone, together, or in any combination, constitute unprofessional conduct in that:

i. Respondent failed to comply with the provisions of RBPE 6.2 (Stamping or signing work as an engineer implies to the public that the licensee is registered in the discipline which encompasses such work); and
ii. Respondent failed to comply with the provisions of state statutes or rules governing the practice of the profession pursuant to 3 V.S.A. §129a(a)(3).

STIPULATION

13. Respondent admits the conclusions of unprofessional conduct as set forth in this stipulation and to the facts as set out above, and to the entry of the order set out below.

14. Respondent understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion the entire Stipulation and Consent Order shall be void.

15. Respondent has reviewed the entire document and agrees that it sets out the entire agreement of the parties, freely and voluntarily entered into.

16. Respondent waives any notification period and agrees to have this document reviewed by the Board during its next meeting. Respondent specifically waives any claim that presentation of this stipulation to the Board has prejudiced his right to a fair and impartial hearing should the Board reject this stipulation.

17. Respondent voluntarily waives his right to a contested hearing before the Board.

ORDER

A. Respondent has agreed that the Board may find the above facts and it does so. Based upon the facts found the Board finds that Respondent has committed unprofessional conduct in violation of RBPE 6.2 (Stamping or signing work as an engineer implies to the public that the licensee is registered in the discipline which encompasses such work) and 3 V.S.A. §129a(a)(3) (Respondent failed to comply with the provisions of state statutes or rules governing the practice of the profession).

B. The Respondent’s license is suspended for thirty days beginning thirty days from the entry of this order and an administrative penalty of five hundred dollars ($500.00), payable to the State of Vermont, is imposed.

C. Once the thirty days suspension period is up and the administrative penalty has been paid the Respondent may resume practice in Vermont.
Respectfully presented this 7th day of October, 2003.

ROBERT H. BACKUS
Prosecutor
Office of Professional Regulation
Secretary of State

WOODLAND HOLM
Respondent

APPROVED AND SO ORDERED: VERMONT BOARD OF PROFESSIONAL ENGINEERING

Dated: 12-4-03 by: 
Chairperson

Date of Entry: 12/4/03

STATE OF VERMONT

Prosecuting Attorney
Office of Professional Regulation
Montpelier, VT 05602