

**BEFORE THE OKLAHOMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**STATE OF OKLAHOMA ex rel. OKLAHOMA)
STATE BOARD OF LICENSURE FOR)
PROFESSIONAL ENGINEERS AND LAND)
SURVEYORS,)**

Complainant,)

vs.)

Case No. 2023-076

**Name: Diamond Z Engineering, Inc.)
Certificate of Authorization No.: None)
Address: 5670 State Road)
Cleveland, OH 44134-2259)**

**Name: Jeff L. Griffin)
P.E. Certificate of Licensure No.: 9576)
Address: 9515 S. College Court)
Tulsa, OK 74137)**

Respondents.)

CONSENT ORDER

COMES NOW the Complainant, Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors (the "Board") and Respondents, Diamond Z Engineering, Inc., (the "Firm"), and Jeff L. Griffin, ("Griffin") (collectively the "Respondents").

FINDINGS OF FACT

1. The Firm has never held an Oklahoma Certificate of Authorization ("CA") to offer to practice and/or practice engineering in the State of Oklahoma.
2. On January 18, 1974, Professional Engineer ("P.E.") Certificate of Licensure No. 9576 was issued to Griffin to offer to practice and/or practice engineering in the State of Oklahoma.
3. Current Board records indicate that Griffin is the Managing Agent and the only responsible charge P.E. for Wildcat Engineering, LLC, CA 4546, which was originally issued on

April 21, 2004, and is currently active through June 30, 2025. Griffin is not now and has never been an employee of Diamond Z Engineering, Inc.

4. On October 13, 2022, Atwell, LLC, Oklahoma CA #6036, issued Purchase Order 20220733 to Diamond Z Engineering, Inc. to perform the Fuel System Design Services for the Allsup's Store #000999 in Davis, Oklahoma, Project 1.

5. On August 10, 2023, Diamond Z Engineering, Inc., issued an unsigned and unsealed Construction Set of Fuel System Design drawings for Project 1.

6. On October 19, 2022, Atwell, LLC issued Purchase Order 20220758 to Diamond Z Engineering, Inc. to perform the Fuel System Design Services for the Allsup's Store #102423 in Madill, Oklahoma, Project 2.

7. On November 1, 2022, Griffin, reviewed, signed, sealed, and issued the Fuel System Design drawings for Project 2.

8. On November 8, 2022, Griffin issued Invoice #4212 to the General Contractor (K. L. Garrett Associates, LLC) for "review and seal drawings for Diamond Z project for Allsup's in Madill, OK", Project 2.

9. On May 31, 2023, Atwell, LLC issued Purchase Order 20230506 to Diamond Z Engineering, Inc. to perform the Fuel System Design Services for the Allsup's Store # 000999 in Thackerville, Oklahoma, Project 3.

10. On August 18, 2023, Diamond Z Engineering, Inc., issued an unsigned and unsealed Construction Set of Fuel System Design drawings for Project 3. On September 8, 2023, and September 29, 2023, Diamond Z Engineering, Inc., re-issued, unsigned and unsealed, revisions of the drawings for Project 3.

11. On May 31, 2023, Atwell, LLC issued Purchase Order 20230505 to Diamond Z Engineering, Inc. to perform the Fuel System Design Services for the Allsup's Store # 000999 in Broken Bow, Oklahoma, Project 4.

12. On July 7, 2023, Diamond Z Engineering, Inc., issued unsigned and unsealed Construction Set of Fuel System Design drawings for Allsup's Store #102469 in Broken Bow, Oklahoma, Project 4.

13. On September 19, 2023, Atwell, LLC issued Purchase Order 20230903 to Diamond Z Engineering to perform the Fuel System Design Services for the Allsup's Store in Tushka, Oklahoma, Project 5.

14. On April 11, 2023, Jeff L. Griffin, reviewed, signed, sealed, and issued a "Bid and Permit" set of engineering design drawings for the Stationary Generator Installation for Project 6.

15. On May 27, 2023, Griffin issued Invoice #4235 to the General Contractor (K. L. Garrett Associates, LLC) for "review and seal drawings for Diamond Z project for Fed-Ex generator installation in Oklahoma City, OK", Project 6.

16. The engineering design drawings for Projects 1 – 6 all include the title block of Diamond Z Engineering, Inc.

COUNT I:

The Allegations contained in the Statement of Allegations/Charges Against Respondents above are incorporated herein by reference.

17. At the time the Firm accepted and signed the Atwell's Service Purchase Orders to provide the Fuel System Design Services for the Allsup's Projects 1 – 5 and at the time the Firm provided the Fuel System Design Services for Projects 1 – 5 and the Stationary Generator

Installation drawings for Project 6, the Firm did not have a Certificate of Authorization to offer to practice and/or practice engineering services in the State of Oklahoma.

18. The Firm is, therefore, guilty of violating the provisions of 59 O.S. § 475.21(A)(2) and OAC § 245:15-23-1(a) by offering to practice and practicing engineering in the State of Oklahoma as defined by 59 O.S. § 475.1 *et seq.*, without a Certificate of Authorization, and is, therefore, subject to and should be assessed the Administrative Penalties set forth in 59 O.S. § 475.20(B) and OAC § 245:15-23-3 and 18.

COUNT II:

The Allegations contained in the Statement of Allegations/Charges Against Respondents and Count I above are incorporated herein by reference.

19. COUNT II is DISMISSED with prejudice.

COUNT III:

The allegations contained in the Statement of Allegations/Charges Against Respondents and Count's I and II above are incorporated herein by reference.

20. Count III is DISMISSED with prejudice.

CONCLUSIONS OF LAW

21. The Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors has jurisdiction of this case pursuant to:

a. Statutes Regulating Professional Engineering and Land Surveying, 59 O.S. § 475.1 *et seq.*

b. The Rules of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors, OAC § 245:15, *et seq.*

22. The Firm was properly notified of the charges and acknowledged their right to counsel.

23. The Firm makes no objection to the timeliness of the notice or to the specificity of the statement of charges.

24. The Findings of Fact stipulated to by the Firm constitute violations of the Statutes Regulating Professional Engineering and Land Surveying and the Rules of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors, pertaining to the professional practice of surveying upon which the Board may take disciplinary action against the Firm.

CONSENT

Diamond Z Engineering, Inc., by affixing their signatures hereto, acknowledge that:

25. The Firm understands this Consent Order is subject to the approval of the Board and has no force and effect until a final decision based upon it is rendered by the Board.

26. The Firm has been specifically advised to seek the advice of counsel prior to signing this Consent Order, and

27. The Firm acknowledges that they have the following rights, among others:

- a. The right to a formal fact-finding hearing before the Board;
- b. The right to reasonable notice of said hearing;
- c. The right to compel the testimony of witnesses;
- d. The right to cross-examine witnesses against themselves;
- e. The right to obtain judicial review of the Board's decisions; and,
- f. The right to counsel.

28. The Firm waives all such rights to a formal hearing as set forth above in paragraph twenty-seven (27).

29. The Firm understands in order to make a decision relative to approving this Consent Order discussions must take place between Board members, Board Staff and Board Counsel. These discussions may include the Board's review of any and all previously enumerated exhibits or referenced project materials. The Firm understands that these discussions will take place at the Board's next regularly scheduled meeting in Oklahoma City, Oklahoma. The Firm understands they have the right to be present when this matter is discussed, but hereby waive that right.

30. The Firm, for the purpose of avoiding further administrative action with respect to this cause, execute this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission.

31. The Firm expressly waives all further procedural steps, and expressly waive all rights to seek judicial review or to other challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the final decision of the board incorporating said Consent Order.

32. This Consent Order contains the entire agreement between the parties. The Firm is not relying on any other agreement or representations of any kind, verbal or otherwise.

33. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Consent Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

34. This Consent Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any

and all prior or contemporaneous agreements, understanding, discussions, negotiations, and commitments (written or oral). This Consent Order may not be altered, amended, modified, supplemented or otherwise changed except by a writing executed by an authorized representative of each of the parties.

35. The Firm consents to the entry of this Consent Order.

ORDER

In accordance with the foregoing findings of facts and conclusions of law, and the agreement and consent of the Firm, it is hereby ordered as follows:

36. The Firm should be and hereby is found guilty of the charges set forth in Count I of the Formal Notice of Charges, because at the time the Firm accepted and signed the Atwell's Service Purchase Orders to provide the Fuel System Design Services for the Allsup's Projects 1 – 5 and at the time the Firm provided the Fuel System Design Services for Projects 1 – 5 and the Stationary Generator Installation drawings for Project 6, the Firm did not have a Certificate of Authorization to offer to practice and/or practice engineering services in the State of Oklahoma in violation of the provisions of 59 O.S. § 475.21(A)(2) and OAC § 245:15-23-1(a).

37. In accordance with 59 O.S. § 475.20(B) and OAC §§ 245:15-23-3 and 18, the Firm is hereby assessed an administrative penalty in the total amount of Four Thousand Dollars (\$4,000.00) as and for the violations set forth in Count I above, which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

38. The Firm is hereby ordered to **CEASE AND DESIST** from practicing and/or offering to practice engineering in the State of Oklahoma until such time as it has been issued a Certificate of Authorization to practice engineering in accordance with the laws of the State of Oklahoma.

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 O.S. § 24-A.1 through 24-A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection, publication, and copying upon request.

Diamond Z Engineering, Inc.

By: Dann R. Stapp
(Title) Officer, VP & Sec

Date: Jan 24th, 2024

CERTIFICATION OF BOARD ATTORNEY

I believe this Consent Order to be in the best interests of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors and the State of Oklahoma for the violations as alleged in the Formal Notice of Charges.

Dated this _____ day of February, 2024.

ROBERT A. MANCHESTER, IV, OBA #19518
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Oklahoma City, OK 73112
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(405) 528-5366 (Fax)

Attorney for Oklahoma State Board of
Licensure for Professional Engineers
and Land Surveyors

ORDER OF THE BOARD

NOW on this _____ day of February, 2024, the Firm admits voluntarily, with knowledge of their rights under law, the allegations contained in Count I of the Formal Notice of Charges. It further appears that the foregoing Consent Order is just and equitable in order to safeguard life, health, and property and to promote the public welfare in the State of Oklahoma.

IT IS THEREFORE ORDERED that the Firm’s stipulation to the violations contained in Count I of the Formal Notice of Charges is accepted, and the above Consent Order incorporated herein shall be the order of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Dated this _____ day of February, 2024.

OKLAHOMA STATE BOARD OF
LICENSURE FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: _____
David L. Page, P.L.S., Chair