

**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.)

FILED

JAN 11 2024

OKLA. BOARD OF LIC. FOR
PROF. ENGRS. & SURVEYORS

FORMAL NOTICE OF CHARGES

COMES NOW the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors (hereinafter the "Board") by and through its attorney, Robert A. Manchester, IV and based upon the recommendation of the Board's Investigation Committee, brings this Formal Notice of Charges against the above named Respondents, Diamond Z Engineering, Inc., (the "Firm"), and Jeff L. Griffin, ("Griffin") (collectively the "Respondents").

NOTICE OF HEARING

1. On February 15, 2024 the Board will be in session at 9:00 o'clock a.m. at 220 N.E. 28th Street, Oklahoma City, Oklahoma, at which time this Formal Notice of Charges will be considered by the Board and a formal fact finding hearing will be held pursuant to Oklahoma Administrative Procedures Act, 75 O.S. § 301, *et seq.*, the Statutes Regulating Professional

Engineering and Land Surveying, 59 O.S. § 475.1 *et seq.*, and the duly promulgated Rules of the Board OAC § 245:2 *et seq.*

2. Respondents, in accordance with the above mentioned statutes and rules, have the right to appear personally or to be represented by an attorney and will be afforded the opportunity to respond, compel the testimony of witnesses, present evidence, and argue all issues involved.

3. Respondents are ordered by the Board to appear at said hearing on said date. If a Respondent is not present in person or through legal counsel, then the proceeding will be held in the absence of such Respondent, and the Board, in its discretion, may summarily take appropriate action as authorized by law. The Board will notify the absent Respondent(s) of its final decision in writing.

JURISDICTION

Jurisdiction for this Formal Notice of Charges is based upon:

4. The statutes regulating Professional Engineering and Land Surveying, 59 O.S. § 475.1 *et seq.*

5. The Rules of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors (OAC § 245:2 *et seq.*).

STATEMENT OF ALLEGATIONS/CHARGES

6. The Firm has never held an Oklahoma Certificate of Authorization (“CA”) to offer to practice and/or practice engineering in the State of Oklahoma.

7. 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.

8. 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.

9. 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.

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

11. 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.

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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. At the time Griffin provided the engineering services for Projects 2, and 6, Griffin knew or should have known that the Firm did not have a Certificate of Authorization to offer to practice and/or practice engineering in the State of Oklahoma.

25. Griffin is, therefore, guilty of violating the provisions of 59 O.S. § 475.18(A)(8) by aiding and assisting the Firm in offering to practice and practicing engineering on Projects 2 and 6, 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 III:

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

26. Griffin, reviewed, signed, and sealed the Fuel System Design Services for Project 2 and the Stationary Generator Installation engineering design services for Project 6, which were not prepared by him or under his direct control and personal supervision.

27. Griffin is, therefore, guilty of violating the provisions of 59 O.S. § 475.18(A)(10) by signing and sealing the Fuel System Design Services for Project 2 and the Stationary Generator Installation engineering design services for Project 6, which were not prepared by him or under his direct control and personal supervision, 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.

REQUESTED FINDINGS OF THE BOARD AND PENALTY

The undersigned requests the Board, after considering all the testimony, evidence and argument, to find:

1. Respondents are in violation of any or all of the aforementioned statutes and rules.
2. That appropriate action be taken against Respondents, which may include:
 - A. An Administrative Penalty;
 - B. Reprimand;
 - C. Censure;
 - D. Suspension;
 - E. Revocation;
 - F. Such other action as the Board deems appropriate.

Respectfully submitted,



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