

**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. 2023-101

Name: Trident Engineering Associates, Inc.)
Certificate of Authorization No.: None)
Address: 2010 Industrial Drive)
 Annapolis, MD 21401)

FILED

JAN 11 2024

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

Name: David J. Robillard)
P.E. Certificate of Licensure No.: None)
Address: Trident Engineering Associates, Inc.)
 2010 Industrial Drive)
 Annapolis, MD 21401)

Name: Donald W. Vannoy)
P.E. Certificate of Licensure No.: None)
Address: Trident Engineering Associates, Inc.)
 2010 Industrial Drive)
 Annapolis, MD 21401)

Respondents.)

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, Trident Engineering Associates, Inc., (the "Firm"), David J. Robillard, ("Robillard"), and Donald W. Vannoy ("Vannoy") (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. On May 13, 2023, State Farm Insurance and Financial Services (Client) submitted a request to “perform professional engineering services, to conduct a review of all pertinent information, and provide a report of the expert opinion regarding this claim” to the Firm. This request for a Residential Damage Assessment Report (Report) from the Client further states: “State Farm is seeking an objective, written, expert opinion, including supporting rationale, from a qualified engineer professionally licensed in the state where the structure is located.”

7. However, in correspondence with Board Staff, Dr. David J. Robillard (Robillard), Civil Engineer at the Firm, and Dr. Donald W. Vannoy (Vannoy), Owner, President, and Principal of the Firm, stated: “The insurance company did not require a PE for the report. Trident drafted the report to the insurance company from our Annapolis office, and we made an administrative error in listing PE on the report.”

8. On May 19, 2023, the Firm was hired to evaluate a property located at 13 Red Rock in Shawnee, Oklahoma 74804 to determine the overall condition of the garage and determine if the damaged area was repairable and recommend repairs.

9. On August 9, 2023, Robillard performed a site visit to “observe and photograph damage to a residential garage” located at 13 Red Rock, Shawnee, Oklahoma 74804. A Report describing Robillard’s findings was subsequently drafted at the Annapolis, Maryland office of the Firm on August 18, 2023, and was reviewed by Vannoy. The Report is printed on letterhead containing the name and contact information for the Firm.

10. The August 18, 2023 Report which was submitted to the Client states: “On May 19, 2023, Trident Engineering Associates, Inc. (Trident) was authorized to evaluate the above-listed property to determine the overall condition of the garage and determine if the damaged

area is repairable and recommend repairs. The case was assigned to Dr. David J. Robillard, P.E., Civil Engineer. This report was reviewed by Dr. Donald W. Vannoy, P.E. Trident reviewed weather data, visited the site, and systematically evaluated the property to respond to this engineering services request.”

11. The Report includes numerous sections, including Observations, Discussion, Recommended Repair Considerations, and Conclusions. The Conclusions section reads, in part: “Based on a review of information gained from others and from its own observation, investigation, and analysis, Trident Engineering Associates, Inc. concludes to a responsible degree of engineering certainty that:

- a. The home at 13 Red Rock, Shawnee, Oklahoma, experienced damage to the garage related to the recent tornado event passing in close proximity during the evening of April 19, 2023. Aside from structural damage to the garage door systems, and the missing areas of OSB sub roof panels, the garage remains structurally sound. All observed damage is repairable.
- b. The scope of damage as well as recommended repair actions are described in the Discussion Section of this report.

In preparing this report, Trident has been thorough and accurate and met the standards generally expected from members of the engineering profession and in accordance with our General Provisions.” The Report is signed: “David J. Robillard, Ph.D., P.E., Civil Engineer”, and “Donald W. Vannoy, Ph.D., P.E., President.”

12. A search of the licensure database of the Maryland Board of Professional Engineers indicates that Robillard holds Maryland Professional Engineer license number 59056, Vannoy holds Professional Engineer license number 9808, and the Firm holds PE Firm number 52230. Board Staff confirmed with staff of the Maryland Board that all licenses are current and in good standing, and no disciplinary action has occurred previously or is pending in the State of Maryland.

13. At no time has Robillard, Vannoy, or the Firm held Professional Engineer licenses or a Certificate of Authorization in the State of Oklahoma. As of the date of the filing of this Formal Notice of Charges, Robillard, Vannoy and the Firm have not submitted applications for Professional Engineer licenses or a Certificate of Authorization to the Board.

14. When asked to provide a list of other Oklahoma engineering projects completed by Robillard and/or the Firm in the most recent five (5) years, Vannoy advised: “Trident Engineering Associates, Inc. has not been involved in any other Oklahoma engineering projects during the past five (5) years. Trident Engineering Associates, Inc. has not completed any final signed and sealed drawings in Oklahoma during this time. Also, there are no current or future Oklahoma engineering projects.”

COUNT I:

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

15. Robillard did not have a Professional Engineer license in the State of Oklahoma at the time he submitted a Report for the Project located in Shawnee, Oklahoma which was signed “David J. Robillard, Ph.D., P.E.”

16. Robillard is, therefore, is guilty of violating the provisions of 59 O.S. § 475.1 and OAC § 245:15-23-1(a) by offering and/or practicing engineering in the State of Oklahoma without a Professional Engineer Certificate of Licensure, 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.

17. Vannoy did not have a Professional Engineer license in the State of Oklahoma at the time he submitted a Report for the Project located in Shawnee, Oklahoma which was signed “Donald W. Vannoy, Ph.D., P.E.”

18. Vannoy is, therefore, is guilty of violating the provisions of 59 O.S. § 475.1 and OAC § 245:15-23-1(a) by offering and/or practicing engineering in the State of Oklahoma without a Professional Engineer Certificate of Licensure, 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 Counts I and II above are incorporated herein by reference.

19. The Firm did not have a Certificate of Authorization in the State of Oklahoma at the time a Report for the Project located in Shawnee, Oklahoma was prepared and issued to the Client on letterhead containing the name and contact information for the Firm.

20. 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/or practicing engineering in the State of Oklahoma as defined 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 IV:

The allegations contained in the Statement of Allegations/Charges Against Respondents and Counts I, II, and III above are incorporated herein by reference.

21. When Vannoy stated to Board Staff: “The insurance company did not require a PE for the report”, he was providing false testimony or information to the Board, as the request for professional services from the Client clearly indicated: “State Farm is seeking an objective, written, expert opinion, including supporting rationale, from a qualified engineer professionally licensed in the state where the structure is located.”

22. Vannoy is, therefore, guilty of violating the provisions of 59 O.S. § 475.18(A)(12) by providing false testimony or information to the Board 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.

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,



ROBERT A. MANCHESTER, IV OBA #19518
4308 North Meridian Avenue
Oklahoma City, OK 73112
(405) 525-6710
(405) 528-5366 (Fax)
Attorney for Oklahoma State Board of
Licensure for Professional Engineers
and Land Surveyors