



Bruce Pitts, P.L.S.

Public Protection Requires Faithful Responsible Charge by the Licensee

The consistent principle that has guided this Board since 1935 is that engineering and surveying work must be done by, or under the responsible charge and direct control and personal supervision of, the licensee. This ensures that the public can rely upon the work of engineers and land surveyors as being truly a product of the professional engineer's or surveyor's analysis, judgement and care. While there are several sections of Board laws and rules that define responsible charge, the practical meaning of that term is often best taught by licensee mentors who act as role models.

One common thread running through the careers of those licensees who have been successful, is that each had a superlative mentor; one of those individuals who not only taught how to apply educational knowledge to the real world, but also someone who provided guidance in applying the rules of professional conduct, ethics and responsibility that accompanies a professional license. Exceptional mentors teach what is necessary to be in responsible charge of a engineering or surveying project and instills that professionalism into their protégés.

Proper licensee involvement is absolutely vital in professions like engineering and surveying where the outcome of the project affects so many people beyond just the client. When a surveyor performs a boundary survey, that survey affects not just the boundary of the subject property, but also every adjoining property and even the peace and harmony in the neighborhood. Likewise the engineering design of a foundation of a building or of a bridge has the potential of affecting thousands of lives. Therefore it is mandatory that the design decisions made in each project include the analysis, judgement and care of the professional licensee.

Fortunately for the citizens of the state of Oklahoma, most of the time its licensees know how much thorough investigation and research is necessary to make engineering and surveying decisions, and when it is necessary to reach out to other professionals for expert advice and assistance. They know how to actively and personally manage the firm's employees so that they can maintain concurrent direction over all engineering and surveying decisions and how to supervise the preparation of the documents that are going to be signed and sealed.

Occasionally however, the Board is made aware of projects where it did not appear that the licensee exercised responsible charge over the project. Our investigation into this kind of allegation includes determination of when the licensee became involved with the project (was the work already done?); the licensee's familiarity with the personnel working on the project, and even if the licensee has the authority to change the final work product. One of the board's criteria for determining if the licensee has met the terms of responsible charge is whether, if asked in a non-adversarial situation, the licensee can answer questions about all the professional decisions made during the course of the project. If that licensee has done what most concerned licensees do, then he or she should be able to easily and clearly define the degree of control exercised and explain in sufficient detail how each professional decision was made.

The client, the public works official responsible for approving plans for a public or private project, or a judge preparing to issue a decision regarding an engineering or surveying matter, all have the right to expect that the signature and seal on a set of plans, a report or any surveying or engineering document means that a Professional Engineer or Professional Surveyor performed or was in responsible charge of the project. The responsible charge law was created by board members committed to protect the health, safety, property and the welfare of the public. This ethical standard they created must be honored and upheld.

DISCIPLINARY ACTIVITY OF THE BOARD

DISCLAIMER: Every effort has been made to ensure that the following enforcement information is correct. However, this information should not be relied upon without verification from the Board office. It should be noted that the names of companies and individuals may be similar to the names of the parties who have not had enforcement actions taken against them. Disciplinary orders are public record and copies may be obtained on the Board's website at www.pels.ok.gov - select "Consumers" and "Disciplined Licensees and Firms".

September 15 – 16, 2016

Accident Research Specialists, PLLC, CA 7453, Case No. 2015-062

Through Consent: Accident Research Specialists, PLLC offered and/or practiced engineering in the State of Oklahoma without a Certificate of Authorization regarding a vehicle accident reconstruction investigation in which they represented they were forensic engineers. In this regard, they were found **Guilty**, assessed an administrative penalty of \$2,500, and **Reprimanded**.

CED Technologies Maryland, Inc., CA 7394, Case No. 2015-084

Through Consent: CED Technologies Maryland, Inc. offered and/or practiced engineering in the State of Oklahoma without a Certificate of Authorization in regards to an investigation and reconstruction of an automobile investigation, which was performed by a professional engineer and included a statement that the work involved an engineering opinion. In this regard, they were found **Guilty**, assessed an administrative penalty of \$2,500, and **Reprimanded**.

November 17 – 18, 2016

James N. Lindsey, PE 15660, Case No. 2015-065

Through Consent: James N. Lindsey entered a Plea of Nolo Contendere to the crimes of Aggravated Assault & Battery and Assault w/Intent to Commit a Felony in The District Court of Cherokee County the State of Oklahoma. In this regard, Lindsey was found **Guilty** of: (1) Conviction of or entry of a plea of guilty or nolo contendere to any crime under the laws of the U.S., which is a felony, whether related to the practice or not; and conviction of or entry of a plea of guilty or nolo contendere to any crime, whether a felony or misdemeanor, or otherwise, an essential element of which is dishonesty or which is related to the practice of engineering or land surveying, and, (2) engaging in dishonest, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. [as existing on May 18, 2015] His Professional Engineers Certificate of Licensure No. 15660 is, hereby, **Suspended** for eight (8) years to run concurrent with his eight (8) year deferred sentence in Cherokee County, OK. After fulfilling the first year of suspension, the remaining seven (7) years will be stayed if no other similar charges

or convictions, whether a felony or misdemeanor, are brought against Lindsey. During his term of registration as a sex offender, Lindsey may not offer or perform engineering services for projects which include schools, churches, daycares, parks, campsites, playgrounds, hospitals or doctor's offices which are designated for children, whether or not the engineering services would require Lindsey to be physically present at the location to fulfill the requirement of the project. Lindsey was assessed an administrative penalty of \$3,500, and **Reprimanded**.

Brooks Land Surveying and Mapping, Inc., CA 4450 / Wm. Alan Brooks, PLS 1593, Case No. 2015-086

Through Consent: Brooks Land Surveying and Mapping, Inc. issued surveys and allowed Wm. Alan Brooks to improperly discharge his duties, obligations and responsibilities required under the Oklahoma Minimum Standards for the Practice of Land Surveying, which demonstrated carelessness which was in reckless disregard for the property of others and constituted gross negligence. Wm. Alan Brooks failed to file Certified Corner Records for public land survey corners with the Archives and Records Division of the Oklahoma Department of Libraries in violation of the Corner Perpetuation and Filing Act and he failed to achieve minimum standards as required by the Oklahoma Minimum Standards for the Practice of Land Surveying. Brooks Land Surveying and Mapping, Inc. and Wm. Alan Brooks were found **Guilty**, assessed an administrative fine of \$7,500 and Reprimanded. The Certificate of Authorization No. 4450 for Brooks Land Surveying and Mapping, Inc. and the Land Surveying Certificate of Licensure No. 1593 for Wm. Alan Brooks to offer and/or provide land surveying services of any type or nature in the state of Oklahoma are hereby **Suspended** for a period of two (2) years. The suspension of both Respondents shall be **Stayed** with the following provisions: the surveys that were a part of the Formal Notice of charges shall be corrected and sent to the clients or landowners; CCR's shall be filed for all public land survey corners listed in the Formal Notice of Charges; and a list of all land surveying projects shall be sent to the Board for possible review and random audit.