

## DISCIPLINARY ACTIVITY OF THE BOARD (CONT.)

**In the Matter of The McClure Corporation dba McClure Engineering Associates, CA 3447, Philip J. Wentz, P.E. 23340 and Scott A. Moseley, P.E. 22204, Case No. 2016-003 Through Consent:** McClure Engineering Associates offered and/or practiced engineering in the State of Oklahoma without a Certificate of Authorization. Therefore, the firm was found **Guilty**, assessed an administrative penalty of \$1,000., and **Reprimanded**. Scott A. Moseley, P.E. and Philip J. Wentz, P.E. aided and assisted McClure Engineering Associates in the unlicensed practice of engineering without a Certificate of Authorization. Each were found **Guilty**, assessed an administrative fine of \$1,000, and **Reprimanded**.

**In the Matter of MJM Architects, LLC, CA 4993 and Larry J. Griffith, P.E. 21555, Case No. 2016-007 Through Consent:** MJM Architects, LLC offered and/or practiced engineering in the State of Oklahoma without a Certificate of Authorization. The firm was found **Guilty**, assessed an administrative penalty of \$750, and **Reprimanded**. Larry J. Griffith aided and assisted MJM Architects, LLC in the unlicensed practice of engineering without a Certificate of Authorization. Therefore, he was found **Guilty**, assessed an administrative fine of \$750.00, and **Reprimanded**.

June 30 – July 1, 2016

**In the Matter of Dennis R. Key, P.L.S. 1476, Case No. 2014-099 Through Consent:** Dennis R. Key, P.L.S. pled guilty to one felony count of bank fraud in the United States District Court for the Western District of Missouri, in a scheme to defraud various banks, conducted in his role as a construction manager for a real estate developer, in which he and a co-conspirator prepared false, inflated bills and invoices in the names of subcontractors, presented them for payment, and deposited payments received into accounts opened in the name of an entity he and his co-conspirator controlled, diverted some of the funds obtained to his land surveying business, and in all obtaining by fraud the sum of \$567,676. For his plea of guilty to the felony crime of bank fraud, and for engaging in dishonest, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, Dennis R. Key was found **Guilty** and his P.L.S.

Certificate of Licensure No. 1476 was **Suspended** until such time as he completes his full period of incarceration and fulfills all terms of his federal sentencing. Further, Mr. Key was ordered to complete the On-Line Education for Land Surveyors in Surveying Ethics course offered by the Department of Surveying Engineering, New Mexico State University. Once these terms have been met, Mr. Key may apply for re-instatement of his PLS Certificate of Licensure in Oklahoma.

**In the Matter of Marshall Surveying Company, CA 2261/ James B. Marshall, P.L.S. 113, Case No. 2015-075 Through Agreement:** James B. Marshall has **Surrendered** his P.L.S. Certificate of Licensure No. 113 to the Board in lieu of administrative action. This provision requires that he shall be permanently barred from reissuance of a Certificate of Licensure as a Professional Land Surveyor in the State of Oklahoma.

**In the Matter of Sahoma ControlWare, LLC and Justin R. Dean, Case No. 2016-009; Through Consent:** Sahoma ControlWare, LLC offered and/or practiced engineering in the State of Oklahoma without a Certificate of Authorization. Therefore, the firm was found **Guilty**, assessed an administrative penalty of \$6,000, and ordered to immediately **Cease and Desist**. Justin R. Dean, by virtue of a written "Engineer Profile" included in the Professional Services Agreement which was signed by Mr. Dean, claimed to be a Professional Engineer in both the disciplines of Electrical and Control Systems, and further claimed to be a degreed engineer with a B.S, M.S. and PhD in Electrical Engineering as well as a PhD in Computer Science. Mr. Dean admitted that all of these claims were false. Further, Mr. Dean admitted to obtaining two rubber type seals and one crimp style seal reading "Justin R. Dean, Oklahoma Licensed Professional Engineer 19792". P.E. Number 19792 belongs to another professional engineer in the state of Oklahoma with the last name of Dean, who is no relation to Justin R. Dean and has no culpability in this case. Justin R. Dean was found **Guilty** of offering and practicing engineering in the state of Oklahoma without a P.E. Certificate of Licensure to do so. Mr. Dean was assessed an administrative penalty of \$6,000, and ordered to immediately Cease and Desist.

**COMPLIANCE WITH THE OKLAHOMA TAX COMMISSION REQUIRED FOR RENEWAL OF ALL PROFESSIONAL LICENSES...**

Oklahoma Statutes require that a licensee must be in compliance with the Oklahoma Tax Commission to qualify to renew their professional license. If you are notified by the tax commission that you are in non-compliance, please act immediately. The Board does not have the authority to waive this requirement, so CONTACT THE OKLAHOMA TAX COMMISSION if you are notified.

## THE PATH TO COMPLIANCE



*Bruce Pitts, P.L.S.*

## Protecting Yourself While Protecting the Public

A quick review of the titles of the enforcement articles written for this publication reveals a consistent emphasis on signing and sealing issues. And for good reason. The public trusts engineers and surveyors, and those seals and signatures are outwardly recognizable symbols that do carry meaning to those who rely on the documents produced by our licensees. But do you, your client and reviewing authorities all have the same understanding of what they mean? If not, adding qualifying words to the plans may be necessary for self-protection and for the protection of the health, safety, welfare and property of the public.

The licensing statute is clear on the meaning of the signature and seal: "Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and was in responsible charge of the work product." Board Rules further state that "...the licensee accepts full responsibility and liability for the professional work represented hereon." Those official definitions are fine as far as they go, but do they completely convey to your client or to a governmental agency an accurate representation of the standard of care that was achieved or what work was actually done?

This question of explaining what work was actually done was answered long ago for surveyors because lending institutions, title insurance companies and governmental agencies had specific needs and uses for surveys and often created their own certification language for surveyors to sign. Those certificates proved to be beneficial to both surveyors and their clients because all the interested parties know exactly what was done, what standards were met, and the limits of the surveyor's responsibility.

The same however is not generally true for engineers. While engineers are often asked for specific certification language for a particular use, just applying the signature and seal to a set of plans without certificate language is still the most common practice. This probably dates back to a time when there was much more face to face communication between engineers, clients and approving authorities and all parties knew exactly what was required and what standards were being met. The client had every reason to rely on the work as being complete, thoroughly researched, performed to any applicable codes and prepared in a manner that would protect the health, safety, property and welfare of any affected party. Even the licensing statute confirmed the closeness of the relationships between the parties because referring to the seal it stated "No further words or wording are required."

Due in part to the construction model changing from a one stop shop to involvement by several different subcontractors, the implicit understanding about what the signature and seal applied to engineering drawing actually means does seem to have changed. The burden is now on the engineer to be sure that the signed and sealed drawings that have been submitted to a client do convey exactly what was intended.

The following example will illustrate when failure to fully define what the engineer actually was asked to do led to misrepresentation and misunderstanding. A General Contractor hired a licensed engineer and requested that engineer to review, sign and seal the metal building plans prepared by a metal building manufacturer to be approved by the Authority Having Jurisdiction (AHJ). The requested work was limited to certification that the metal building design criteria was compliant with the local building codes; but, since there was no language on the plans to that effect, anyone reviewing the plans would have assumed the engineer who signed and sealed the plans had also designed the structure including the mechanical and electrical components. The engineer has therefore either unintentionally or intentionally assumed the liability for the entire set of plans, and the AHJ has issued permits based on a false assumption. **(continued on next page).**

Professional Engineers

John Lee Bearden	11230	Mark A. Hamilton	12051
Steven A. Box	14393	Jackie E. Hammers	15040
Lincoln D. Cochran	26300	Larry R. Harp	11582
James J. Colantonio	10193	Michael Ray Harris	11758
J. Eichenmuller	22987	Ronald B. Harrison	24523
Donald E. Farris	9730	David C. Hathaway	16852
Jennifer L. Filippone	20913	Carl Shane Heinrichs	19562
Robert J. Finnan III	26304	Jerry L. Helms	23240
Carl W. Fitz Jr.	14770	Richard D. Henderson	21735
Ronald A. Flowers	9314	Albert Hermans	22437
Miles Robert Ford	12288	Lawrence A. Herndon	11056
Laila Fosse	21915	Donald G. Hilton	26029
John Jay Fraley	14989	Raymond F. Hoad	10664
Brantley Wms. Frank	16232	Robin Miles Holden	19248
Ronald David Franks	19211	Dale James Holland	17629
Tommie A. Freeman	14397	Keith Wayne Hovis	14584
David Martin Garcia	12848	Ryan B. Howard	21016
Marlin Russell Garrett	16493	Dan Thomas Hudnall	15002
William A. Gent III	14593	Mark Anthony Isom	19547
Bruce W. Gerhold	17016	Charles Otho James	11026
Homa Ghaemi	22977	Christopher Jarman	25083
George T. Gibson	6391	Redwan Jebbeh	26591
Albert B. Glasgow	12251	Peter G. Jernigan Jr.	20588
Scott M. Glaubitz	23599	Carlos A. Jimenez	17096
Mark W. Glidden	14364	N. W. Johnston	3968
George Gorrill Jr.	25870	Hanford Patrick Jones	17958
Paul A. Gossen	21476	R. Dee Jones	24175
Howard W. Gray Jr.	12431	Thomas H. Jordon	12704
Joe P. Grimes	12952	Gerald L. Kaiser	26999
John D. Hair	15296	Paul Wakefield Keller	7943

Protecting Yourself While Protecting the Public

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When documents are submitted for comments, budgeting purposes, preliminary client review or final approval by the AHJ, it is very important to **state** the purpose on the plans. Be clear. If the plans are preliminary, prominently state that on the plans. Board Rules state specifically that, “Work of a preliminary nature, submitted to obtain comments and not for formal approval, shall be clearly marked with the following statement: **‘This document is preliminary in nature and is not a final, signed and sealed document’**. While the Board Rules only specifically speak to preliminary plans as far as including such a certification, other certifications may be included to indicate the clearly stated, specific purpose. Failure to thoroughly communicate may not only lead to misuse and/or misunderstanding, but to unnecessary legal exposure to you, and could potentially create a threat to the health, safety, property and welfare of the public.

Edward L. Kelley	23953
Neal Robert Kennedy	9416
Keith W. Kestner	20629
Tawfik M. Khatib	8585
Dan Killian	24163
Pleasant P. Kimball Jr.	3237
Eric P. King	25934
Hans J. Knape	19493
W. Chelsae Knight	20107
Jerry N. Knoll	9110
Richard L. Koenig	16233
Richard F. Krenek	10608
Larry G. Kuhlman	10104
Vincent Kunderman	23342
Darrel Ernest Kunkel	14401
Cleve Allen Kurz	13477
Kevin M. Labude	15061
Gordon J. Leaman Jr.	11082
John Littrell	13363
Robert Stanley Lyon	15507

Professional Land Surveyors

Donald E. Farris	1032
Donald W. Fitzgerald	1176
Leroy Higginbotham	84
Gary K. Hodson	244
Charles R. Holladay	1403

Professional Engineers

Brian Allerheiligen	22728	Susan Fulton	15226	Edward Henrichson	22049	Shea Kirkman	24847
David F. Barker	28408	David Fusco	27825	David W. Herberger	26296	John Klein	22706
Gerald L. Charlton	28722	Phillip Gambrell	27068	Shane Hernandez	25844	Katrina Klobberdanz	27145
Jason Crabtree	25398	Charles P. Garner	8816	Ryan J. Hertter	22733	Christopher Klopp	28377
Jeffrey Dean Crist	15287	Gene R. Garrett	26682	Christopher S. Hill	27799	Jeremy J. Klysen	22038
Gerald L. Cross Sr.	25144	Craig S. Gates	26801	Jim D. Hill	21919	Nick Knezevich Jr.	13683
Christa Cruikshank	22453	Lesley A. Gehrt	26120	Charles K. Hinton	26389	Christopher Knodel	27631
Brian Crutchfield	22415	Kenneth Gentile	20566	Henry Hirsch	24513	Aaron E. Koch	20927
Jerald L. Cuffman	13505	Michael A. Gettel	15212	Harold E. Hite Jr.	17327	Nick Koch	24948
James L. Currie	27489	John F. Geyer	13284	William F. Hodges	15983	Dale Allen Kokoski	18377
Hugh E. Curtis	26524	Robert W. Gibson	14308	James C. Hohmann	25552	Weixiu Kong	24259
Danielle Czynewski	26060	James F. Giles	15673	Jeremy Hohnbaum	27554	Arthur Ching-Jen Koo	16088
Ronald Dean Davis	11210	Mike Glenn	22181	Gayla Hoipkemeier	14335	Mark T. Korsmo	15696
Bethany B. Deason	26488	Larry T. Glissman	19487	James K. Holland	26129	Kevin R. Krick	27298
Kalon Degenhardt	16451	Joseph M. Gottardy	17057	Marc Holley	26391	Paul J. Kronlage	25373
Michael DeSautel	27448	Amrit P. Goyal	23442	Max L. Holloway Jr.	16229	Ajmer Singh Kular	24648
Clarence W. Dill	15567	D. Brett Graves	24575	Barbara L.S. Hoppas	21861	John M. Kulicki	14295
Brian Dilworth	28181	Leigh Gregory	28136	Daniel Hopper	27124	Francis T. Kung'u	18965
Terry E. Dodge	22744	John L. Gremillion	26169	Herbert J. Horinek	13471	L. Scott Mackay	21406
Kelvin L. Doerr	18360	Robert E. Griffith Jr.	18761	Joseph B. Hossley	27003	Jacob D. Newman	28772
Timothy Donovan	24956	Mercedes Grimsley	23117	Benjamin J. Houle	23114		
Timothy E. Dooley	17511	Stephen P. Groves	13022	Robert Ray Huebel	11820		
Donald Drummond	24602	Thomas L. Groves	12086	Jeff B. Hume	18076		
Nancy M. Duevel	14741	Anthony W. Grubbs	24299	Len D. Humphries	16489		
Gregory A. Duffy	22772	Eddie Dane Gruben	14501	Daniel J. Ianello	20574		
Ryan T. Dugdale	22286	Ruben A. Guajardo	23463	John Aziz Ilter	22929	Karl E. Denton	1583
Caleb Dunham	27416	Bruce Williams	26576	Michael C. Irwin	28344	Gregory A. Duffy	1598
Paul C. Dunn	25444	Brandon S. Guin	26592	Md Mozharul Islam	25468	Paul A. Jurica Jr.	1425
M.L. Dzurenda	24859	Werner Gumpertz	11917	Douglas R. Iverson	21670		
Steven Edgington	26368	Noah T. Guthrie	26172	John H. Jacobs Jr.	13419		
Luke M. Edwards	26942	Gary L. Haag	13962	Matthew Jalbert	25378		
Matthew E. Elliott	27112	Ralph D. Haak	23582	Frank Janicek	20112		
James R. Emanuel	26981	Graham R. Hacker	23543	Steven P. Januskis	23794		
Frederick Emmons	14894	Daniel F. Haddock	25473	Michael L. Jasinski	27048		
David R. Ertman	25073	Eric M. Hadley	27047	Stephen C. Jenks	22798		
Justin W. Eskridge	26196	Daniel E. Hahn	19748	Joshua J. Jimenez	26943		
Jaime A. Espinosa	27514	David Hale	26752	Andrew N. Johnson	18870		
James C. Estetter	21303	F. Dennis Hall	18587	Brent E. Johnson	25034		
David Evangelista	20103	Steven W. Hall	26270	Tim Johnson	26502		
John P. Fatseas	26105	Philip N. Hambrick	26090	Donald W. Johnston	7349		
David Fauchaux	25966	Stephen E. Hamwey	18923	Michael A. Jones	25973		
Gregg A. Fehrman	24967	Daniel Hancock Jr.	27073	Richard S. Jones	10068		
John L. Feskens	28391	Robert A. Hans	21769	William J. Jones	22209		
Mark W. Fieglein	23432	Kevin M. Hargis	19156	David L. Jordan	21212		
Lawrence Fischer	17630	Robert Stewart Harp	17787	Mark F. Jurgemeyer	23047		
Randall Fischer	27899	Sam L. Harp	15141	John Karnowski	23429		
Jay M. Fleming	24896	T. P. Harris Jr.	6300	Jessica Keahey	25228		
John W. Fleming	19680	John E. Harter	24464	Warren N. Keith	19472		
Thomas L. Fletcher	27574	Jason J. Hartig	26092	Dennis G. Kelley	11933		
Todd Fogelberg	26462	Anwar Hassan	16393	Brian J. Kelly	26734		
Jeff Foster	24705	Gareth E. Hayes	27266	Mark S. Keown	27516		
Clive D. Fox	22269	Timothy Hazelwood	26652	Reid M. Khalil	25104		
C. W. Frankenfield	24104	Thomas Heiserman	15705	Sam S. Khalilieh	23271		
Richard J. Frechette	23962	Robert Helmberger	19501	Mike King	19928		
Gregory Freeman	28250	Duane Henderson	16622	Brenda Kay Kinkel	13720		
Emil E. Friberg	6201	Larry L. Hendren	13356	Karl G. Kinler	13541		
Lee Frieberg	22299	Gene A. Henneke	22244	Thomas E. Kinsel	16442		

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