

**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. 2024-057

Name: True North Engineering)
Certificate of Authorization No.: None)
Address: 29205 W. 183rd Terrace)
Gardner, KS 66030)

Name: E.H. "Gene" Robertson)
P.E. Certificate of Licensure No.: None)
Address: 29205 W. 183rd Terrace)
Gardner, KS 66030)

Respondents.)

CONSENT ORDER

COMES NOW the Complainant, Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors (the "Board") and, True North Engineering, (the "Firm"), and E.H. "Gene" Robertson, ("Robertson") (collectively the "Respondents").

FINDINGS OF FACT

For the purposes of the entry of this Consent Order, the following facts are hereby stipulated to by the parties and adopted by the Board:

1. The Firm does not, nor has never held an Oklahoma Certificate of Authorization ("CA") to offer and/or practice engineering in the State of Oklahoma.

2. Robertson does not, nor has never held an Oklahoma Professional Engineering License ("PE") to offer and/or practice engineering in the State of Oklahoma.

3. On April 23, 2024, Connie Carrell, Claim Specialist for State Farm Fire and Casualty notified Tony Freitas with Reliant Public Adjusters, LLC, that “Engineer firm True North Engineering has been assigned and will contact you to schedule the inspection. We have requested their assistance to inspect the rafters, sheathing wall, chimney and its masonry, and windows.”

4. On April 24, 2024, Tony Freitas emailed Robertson on scheduling of the Kollmorgen home Engineering Appointment where Robertson responded on April 25, 2024 with, “I could do 9:00 am on 5/8 and then hit my other appointments in OKC after that. Already too booked on 5/9 & 5/10.” Later in email communication, a date was set for May 29, 2024 at 9:00 a.m.

5. On May 29, 2024, Robertson with the Firm reported to the Kollmorgen home at 2216 Forest Boulevard in Tulsa, OK for assistance to inspect the rafters, sheathing wall, chimney and its masonry, and windows. At the scheduled appointment, Robertson, Tony Freitas, and Chad Williams (Kollmorgen’s engineer) were present, and after introduction, Robertson was asked by Chad Williams if he was a licensed PE in the State of Oklahoma. Robertson replied they have licensed folk in the state. Chad Williams stated that State Farm said that they were sending an Engineer and if he, Robertson, was not an Engineer, that the inspection could not be continued. Notes from the inspection report are included in Exhibit 7.

6. Photographic and narrative evidence demonstrates that Robertson arrived at the Kollmorgen home on May 29, 2024 in a True North vehicle.

COUNT I:

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

7. At the time Robertson appeared at the Kollmorgen home for the State Farm “Engineering Appointment” as stated in emails between the Firm, Robertson, Chad Williams, and Tony Freitas, the Firm did not have a Certificate of Authorization to offer to practice and/or practice engineering in the State of Oklahoma.

8. 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 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.

9. At the time Robertson appeared at the Kollmorgen home to the State Farm “Engineering Appointment” as stated in emails between the Firm, Robertson, Chad Williams, and Tony Freitas, Robertson, did not hold a Professional Engineer Certificate of Licensure in the State of Oklahoma.

10. Robertson is, therefore, guilty of violating the provisions of 59 O.S. § 475.1 and OAC § 245:15-23-1(a) by offering and/or performing engineering services 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.

CONCLUSIONS OF LAW

11. 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.*

12. Respondents were properly notified of the charges, and acknowledged his right to counsel.

13. Respondents made no objection to the timeliness of the notice or to the specificity of the statement of charges.

14. The Findings of Fact stipulated to by Respondents 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 engineering upon which the Board may take disciplinary action against Respondent.

CONSENT

True North Engineering and E.H. "Gene" Robertson., by affixing their signatures hereto, acknowledge that:

15. Respondents have been specifically advised to seek the advice of counsel prior to signing this Consent Order.

16. Respondents 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.

17. Respondents acknowledge 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.

18. Respondents waive all such rights to a formal hearing as set forth above in paragraph seventeen (17).

19. Respondents understand 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. Respondents understand that this discussion will take place at the Board's next regularly scheduled meeting in Oklahoma City, Oklahoma. Respondents understand he has the right to be present when this matter is discussed, but hereby waives that right.

20. 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.

21. Respondents expressly waive all further procedural steps, and expressly waives 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.

22. This Consent Order contains the entire agreement between the parties. Respondents are not relying on any other agreement or representations of any kind, verbal or otherwise.

23. 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.

24. 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.

25. Respondents consent 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 Respondents, it is hereby ordered as follows:

26. 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 Roberston appeared at the Kollmorgen home for the State Farm "Engineering Appointment" as stated in emails between the Firm, Robertson, Chad Williams, and Tony Freitas, the Firm did not have a Certificate of Authorization to offer to

practice and/or practice engineering 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).

27. 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 One Thousand Eight Hundred Dollars (\$1,800.00) 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.

28. 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.

29. Robertson should be and hereby is found guilty of the charges set forth in Count II of the Formal Notice of Charges, because at the time he appeared at the Kollmorgen home to the State Farm "Engineering Appointment" as stated in emails between the Firm, Robertson, Chad Williams, and Tony Freitas, Robertson, did not hold a Professional Engineer Certificate of Licensure in the State of Oklahoma in violation of the provisions of 59 O.S. § 475.1 and OAC § 245:15-23-1(a).

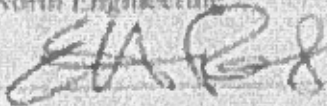
30. Robertson is hereby assessed an administrative penalty in the total amount One Thousand Eight Hundred Dollars (\$1,800.00) as and for the violations set forth in Count II above, which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

31. Robertson is hereby ordered to **CEASE AND DESIST** from practicing and/or offering to practice engineering in the State of Oklahoma until such time as he 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.

True North Engineering

By:  member
(Title)

Name: Eugene Robertson

Date: 05 Sep 2024

By: 
E. B. Gene Robertson

Date: 05 Sep 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, 2024.

ROBERT A. MANCHESTER, IV, OBA #19518
4308 North Meridian Avenue
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(405) 525-6710
(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 September, 2024, Respondents have admitted voluntarily, with knowledge of their rights under law, the allegations contained in Counts I and II 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 Respondents' stipulation to the violations contained in Counts I and II 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 September, 2024.

OKLAHOMA STATE BOARD OF
LICENSURE FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: _____