

**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. 2024-089

Name: Sal Fateen)
Certificate of Licensure, P.E. 18023)
Address: 1130 East Cypress Street)
Covina, CA 91724)

Respondent.)

CONSENT ORDER

COMES NOW the Complainant, Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors (the "Board") and the Sal Fateen ("Fateen").

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:

STATEMENT OF FACTS COMMON TO ALL COUNTS

It is alleged that Respondent has violated 59 O.S. § 475.1 *et seq.* and the Board Rules (OAC § 245:2 *et seq.*) as follows:

1. On May 22, 1996, Professional Engineer Certificate of Licensure No. 18023 was issued to Fateen to offer and/or perform engineering services in the State of Oklahoma.
2. On December 28, 2023, Sal Fateen renewed his Oklahoma Professional Engineer Certificate of Licensure No. 18023, at which time he certified that he had read the requirements

for continuing education, he had earned a minimum of thirty (30) acceptable Professional Development Hours (PDHs) for the previous two (2) year renewal period of February 1, 2022 to January 31, 2024 as provided by OAC § 245:15-11-5, and he understood if selected for a PDH audit, he must provide proof of completion of the required PDH's.

3. Fateen certified that he understood that failure to comply with a PDH audit or submitting false information to the Board relating to a PDH audit was a violation of Board Statutes and Rules which could lead to formal disciplinary action.

4. On March 25, 2024, Board Staff notified Fateen, via regular mail, that he had been randomly selected for the annual audit of the PDH's he claimed as being completed when he renewed his Professional Engineer Certificate of Licensure No. 18023 on December 28, 2023.

5. Fateen was provided detailed instructions how to provide acceptable proof of completion for the PDH's he certified as being completed when he renewed his Professional Engineer Certificate of Licensure No. 18023 on December 28, 2023, and to provide such acceptable proof of completion to the Board no later than April 30, 2024.

6. On April 2, 2024, Board staff contacted Fateen, with a first reminder, via email, with a notice that he was randomly selected for an audit to his completed professional development hours based on his last renewal.

7. On April 17, 2024, Board staff sent a second reminder via email to Respondent at the email address on file with the Board, of a professional development hour audit. The Board staff received a "read receipt" on April 17, 2024 indicating someone with access to Respondent's professional email received and reviewed the email from the Board. No response from the Respondent was received.

8. On April 29, 2024, a final reminder was sent to Fateen via email. This email was again marked read, but no response ever arrived from the Respondent to the Board.

COUNT I

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

9. Fateen failed to comply with the Continuing Education Audit for the renewal period of February 1, 2022 to January 31, 2024 by not providing any proof of completion of the thirty (30) PDH's he certified to completing when renewing his Professional Engineer Certificate of Licensure No. 18023 on December 28, 2023.

10. Fateen is, therefore, guilty of violating the provisions of 59 O.S. § 475.18(A)(16) and OAC § 245:15-11-11(c), 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 Respondent and Count I above are incorporated herein by reference.

11. Fateen provided false information to the Board when he renewed his Professional Engineer Certificate of Licensure No. 18023 on December 28, 2023, by certifying he had completed the Continuing Education requirement of obtaining thirty (30) PDH's for the two (2) year renewal period of February 1, 2022 to January 31, 2024, when in fact he had not.

12. Fateen is, therefore guilty of 59 O.S. §475.18(A)(12) and OAC § 245:15-23-4(A) by certifying he had completed the Continuing Education requirements, when in fact he had not, 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

13. 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.*

14. Respondent was properly notified of the charges, and acknowledged his right to counsel.

15. Respondent has made no objection to the timeliness of the notice or to the specificity of the statement of charges.

16. The Findings of Fact stipulated to by Respondent 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

Sal Fateen, by affixing his signature hereto, acknowledges that:

17. Respondent has been specifically advised to seek the advice of counsel prior to signing this Consent Order.

18. Respondent 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.

19. Respondent acknowledges that he has 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.

20. Respondent waives all such rights to a formal hearing as set forth above in paragraph nineteen (19).

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

22. 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.

23. Respondent expressly waives 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.

24. This Consent Order contains the entire agreement between the parties. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

25. 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.

26. 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.

27. Respondent consents 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 Respondent, it is hereby ordered as follows:

28. Fateen should be and hereby is found guilty of the charges set forth in Count I of the Formal Notice of Charges, because he failed to comply with the Continuing Education Audit for the renewal period of February 1, 2022 to January 31, 2024 by not providing any proof of completion of the thirty (30) PDH's he certified to completing when renewing his Professional Engineer Certificate of Licensure No. 18023 on December 28, 2023 in violation of the provisions of 59 O.S. § 475.18(A)(16) and OAC § 245:15-11-11(c).

29. Fateen should be and hereby is found guilty of the charges set forth in Count II of the Formal Notice of Charges, because he provided false information to the Board when he

renewed his Professional Engineer Certificate of Licensure No. 18023 on December 28, 2023, by certifying he had completed the Continuing Education requirement of obtaining thirty (30) PDH's for the two (2) year renewal period of February 1, 2022 to January 31, 2024, when in fact he had not, in violation of 59 O.S. §475.18(A)(12) and OAC § 245:15-23-4(A).

30. In accordance with 59 O.S. § 475.20(B) and OAC §§ 245:15-23-3 and 18, Fateen is hereby assessed an administrative penalty in the total amount of One Thousand Five Hundred Dollars (\$1,500.00) as and for the violations set forth in Counts I and II above, which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

31. The license to offer or provide engineering services of any type or nature in the State of Oklahoma, by virtue of Sal Fateen's Professional Engineer's Licensure No. 18023 is hereby **SUSPENDED** until such time as he provides thirty (30) acceptable hours of PDH's for the two (2) year renewal period of February 1, 2022 to January 31, 2024 effective on the date of the entry of this Consent Order. The hours supplied pursuant to this goal are not applicable to be used for any other Oklahoma PDH compliance.

32. Respondent will be made to participate in the next PDH audit that applies to his P.E. license.

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.


Sal Fateen

SEIZMIC
Engineering

Digitally signed
by Sal Fateen
Date:
2024.09.05
13:40:57-07'00'

Date: 09-05-2024

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 September, 2024.

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

ORDER OF THE BOARD

NOW on this _____ day of September, 2024, Respondent has admitted voluntarily, with knowledge of its rights under law, the allegation 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 Respondent's stipulation to the violation contained in Counts I and II of the Formal Notice of Charges are 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: _____