



# The Board's Bulletin

A Quarterly Publication for Licensees of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors

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## FROM THE EXECUTIVE DIRECTOR, by Kathy Hart

### What's new at the Board?

First of all, and possibly most obvious to our most dedicated readers, is a new look for *The Board's Bulletin*. Hopefully it will be to your liking.

The Board has employed a new full-time/contract Board Investigator, Mark Caruthers. Last year, Bruce Pitts, PLS, came onboard to serve as our Director of Enforcement. In the past, the Board contracted with a part-time investigator, but with the increase in disciplinary activity, they felt it was time to have a full-time investigator. Welcome Mark Caruthers. Along those lines, Bruce Pitts will be contributing an article to each newsletter as an informative tool for you to use as practicing professionals. Hopefully you will find the information beneficial.

Although we were happy to welcome Mark Caruthers to the staff, we regretfully said good-bye to Cindy Melton. Cindy was employed by the Board as an Administrative Assistant since 1995, and her presence and contributions will be greatly missed by many. Cindy had been attending seminary part-time, and left the Board to complete seminary and pastor a church. We will miss her and wish her all the best!

The Board has been busy the past 2 years with the legislature, passing statutory changes that became effective November 1, 2005, and now administrative rule changes that become effective May 11, 2006. A summary of the rule changes are included in this newsletter. I encourage all of you not to rely solely on this summary, but to read the rules and familiarize yourself with all the regulations pertaining to your profession(s).

Once again, I encourage you to use our online renewal system and online tracking of your continuing education courses. If you have not received a password to access your account, you may email [teresa@pels.state.ok.us](mailto:teresa@pels.state.ok.us) and she will forward it to you. As always, we appreciate any feedback you give us on the online system, or any other services the Board provides.



## Summary of Revisions to OAC Title 245 (Board Rules)

### Chapter 2 - Administrative Operations

Changes to Chapter 2 reflect changes made in Title 59, Section 475.1 et seq. which became effective November 1, 2005. These were mostly procedural in nature.

### Chapter 15 – Licensure and Practice of Professional Engineers and Land Surveyors

#### Subchapter 1 – General Provisions

- Definitions that were duplicated from the statutes were removed from the rules.
- The definition of the Practice of Land Surveying was revised to further clarify the revisions to Title 59 that allowed only land surveyors to write legal descriptions. Others may write legal descriptions as well. Also clarifications were made as to where GIS fits into the practice of land surveying.

#### Subchapter 3 – Application and Eligibility for Licensing

- Amended to allow one year of experience credit for a MS degree (if the MS degree was awarded from an institution that had a bachelor's level EAC/ABET accredited engineering program of four years or more determined by the Board to be substantially equivalent to an EAC/ABET accredited engineering program) for individuals graduating with a BS degree in a related science curriculum.
- Qualifications for land surveyor licensing amended to reflect changes made in Title 59, 475.1 et seq. The change reflects a 2 year educational requirement for applicants after July 1, 2014. Currently, applicants may apply under long established practice with 9 years of experience. Anyone just beginning the process to become a land surveyor will be required to have a 2 year degree approved by the Board.
- All applicants for a Temporary Permit will be required to file an application for permanent licensure within 30 days of application of the temporary permit application.

#### Subchapter 5 – Examinations

- Changes are mostly administrative in nature.

#### Subchapter 7 – Licensure

- Changes are mostly administrative in nature.

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### Remaining Board Calendar

May 4-5, 2006  
June 29-30, 2006  
August 24-25, 2006  
November 2-3, 2006

### Exam Dates & Cut-off Dates for submitting applications

application forms are on our  
website [www.pels.state.ok.us](http://www.pels.state.ok.us)

June 1, 2006 - cut-off date  
for accepting P.E. & L.S.  
applications for the  
October 27, 2006 exams  
AND  
the cut-off date for E.I. &  
L.S.I. applications for non  
full-time students for the  
October 28, 2006 exams.

Sept. 5, 2006 - cut-off date  
for accepting E.I. & L.S.I.  
applications for full-time  
students for the  
October 28, 2006 exams.

Jan. 3, 2007 - cut-off date  
for accepting P.E. & L.S.  
applications for the  
April 20, 2007 exams  
AND  
the cut-off date for E.I. &  
L.S.I. applications for non  
full-time students for the  
April 21, 2007 exams.

February 5, 2007 - cut-off  
date for accepting E.I. &  
L.S.I. applications for the  
April 21, 2007 exams

*In Celebration of the Lives & Contributions of the Following Professionals:*

<i>Terrel Lynn Henry</i> <i>Edmond, OK</i>	<i>PE 11270</i> <i>3/2006</i>
<i>Norman R. Gelpman</i> <i>Northglenn, CO</i>	<i>PE 6196</i> <i>3/2006</i>
<i>Kenneth Argenbright</i> <i>Dallas, TX</i>	<i>PE 7560</i> <i>1/12/06</i>
<i>G.H. Peevy</i> <i>Tulsa, OK</i>	<i>PE 6073</i> <i>4/21/05</i>
<i>N.L. Hug</i> <i>Irvine, CA</i>	<i>PE 6573</i> <i>10/25/05</i>
<i>Karol L. Hujsak</i> <i>Tulsa, OK</i>	<i>PE 4497</i> <i>8/17/05</i>
<i>Carl E. Steele</i> <i>Norman, OK</i>	<i>PE 3278/LS 547</i> <i>3/04/06</i>
<i>William H. Oliver</i> <i>Park Hill, OK</i>	<i>PE 10036</i> <i>8/05/05</i>
<i>Thomas N. Ewing</i> <i>Tulsa, OK</i>	<i>PE 7969</i> <i>9/24/05</i>
<i>Richard Louis Harris</i> <i>Choctaw, OK</i>	<i>PE 11316</i> <i>4/24/05</i>
<i>Harold R. Earl, Jr.</i> <i>San Antonio, TX</i>	<i>PE 7999</i> <i>6/17/05</i>
<i>Francois Dion Uzes</i> <i>Granite Bay, CA</i>	<i>LS 1216</i> <i>2/07/06</i>
<i>James D. Carver</i> <i>Duncan, OK</i>	<i>PE 6714</i> <i>10/20/05</i>
<i>B.D. Pendergraft</i> <i>Edmonds, WA</i>	<i>PE 4407</i> <i>2/01/06</i>

## Summary of Rule Revisions (cont.)

### Subchapter 9 – Rules of Professional Conduct

- 245:15-9-3 Responsibility to the Public – language added as follows: “Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.”
- 245:15-9-6 – Conflict of Interest - language amended as follows: “(2) Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project unless the circumstances are fully disclosed to, and agreed to, by all parties who compensate the licensee. Compensation shall be deemed anything of value and shall not be limited to the payment of money. (3) Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from any party, including contractors, suppliers, manufacturers, distributors, or an agent of any party, in consideration for specifying or influencing others to use or select services, products, or processes in connection with work for which the licensee is responsible or work undertaken by a firm or entity in which licensee is an employee, officer, director, or owner.”

### Subchapter 11 – Continuing Education

- Change in retirement age from 70 to 62. If licensee certifies that they have not practiced their profession the previous 2 years and they are 62 years old or older on the date of a biennial renewal period, they may be exempt from continuing education. However, the age remains 70 years of age for waiving renewal fees.
- Audits – language amended to include “Documentation which does not support evidence of actual attendance will not be accepted for audit purposes.

### Subchapter 13 – Minimum Standards for Land Surveying

- Changes to the Minimum Standards for Land Surveying are substantive and must be read in their entirety. *A summary is on page 6 of this newsletter.*

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## License Expirations January 1, 2006 to February 29, 2006

**EXPIRATION/REVOICATION** - Licenses may be revoked by the Board for non-payment of renewal fees. Licensees will be notified of revocation by certified mail. Typically this notification is mailed 10 days following expiration.

**RENEWALS** - Each license issued by the Board expires on the last day of the month in which renewal fees are due, and becomes invalid on that date unless paid. One notice of the renewal is sent by first class mail to the address of record in the board files. This in effect provides notice two months prior to revocation.

**REINSTATEMENT** - Former licensees whose certificates have expired and were revoked for failure to pay renewal fees and desire to reinstate shall make application for reinstatement within 180 days after expiration and pay the prescribed renewal fee and penalty. After 180 days, a new application will be required, which shall be considered specifically by the Board, both from the standpoint of competency and of character.

### Professional Engineers:

Eagleton, H. Norman	10382	Faucett, David B.	21064	Frazier, Jimmy R.	14254
Ebbesen, Lynn R.	11908	Faulkner, Herman Dwight	11651	Frazier, William Patrick	13458
Ebel, Matthew James	16872	Fedoruk, Bill	12790	Frenzel, Perry E.	20799
Edmiston, Brent S.	19267	Fendley, Robert Perkins	18861	Frere, James George	16457
Edwards, Don R.	13004	Fenton, Lawson B.	16045	Frost, Douglas Gilbert	14878
Eeds, Baker B.	7974	Ferguson, Darrell E.	11538	Fryar, Garvin J.	8317
Egarian, David John	21998	Ferguson, Jon E.	11124	Frye, James A.	6476
Eichert, Bill S.	4734	Ferguson, Robert Everett	13485	Fulghum, Matthew A.	20237
Ellingson, Alan Grant	13591	Fernbaugh, Louis G.	12995	Fyfe, Peter A.	21649
Ellison, Cary Mack	12648	Finch, Walter R.	17028	Gaddis, Sara Shaw	13799
Ellsworth, Betty Marie	14863	Fink, Stephen F.	17984	Gadkari, Prakash Y.	18395
Ellwein, Neil K.	16143	Firth, Charles	20049	Gala, Chunilal H.	20760
Elvik, Harlan John	11937	Fisher, Arthur R.	16023	Gallagher, Mark A.	13910
English, Kirby N.	16655	Fisher, Edwin Dee	9619	Gallagher, Richard E.	19207
Ennis, Brian K.	15201	Fisher, James Richard	17431	Galloway, Frank A.	8036
Erdner, Paul William	14378	Fisher, Laurence J.	18036	Garner, John D.	18165
Erickson, David T.	11255	Fitzgerald, David	19839	Garrett, Charles R.	16313
Erickson, Thurston G. II	12304	Fitzpatrick, Douglas G.	18632	Garrett, John G. Jr.	17634
Erwin, Thomas Michael	15211	Flenniken, Larry L.	12266	Garrett, Lester Dale	18031
Estes, Phillip Stephen	17484	Fly, Melton L.	8761	Garrett, Marcus D.	15816
Eubanks, David R.	13064	Flygare, Gordon R.	12049	Garrison, T. Michael	11178
Eulinger, Ronald D.	16376	Flynn, Brian P.	15754	Gates, James R.	2895
Evans, Dan	19277	Foelsch, Richard Edward	10106	Gautam, Narayan Singh	9094
Evans, Janis D.	17241	Ford, John Stanley	12489	Gavin, Christopher John	13647
Evans, Vincent Hal	17486	Ford, Miles Robert	12288	Gay, Harold M. III	17381
Everett, John	19996	Fort, Joseph F.	19347	Gay, Harold M. Jr.	12312
Eynon, Alan Robert	11212	Forthman, Daniel H.	12826	Geisler, Richard A.	21250
Ezell, Ronald H.	15462	Foster, Peter I.	17815	Gende, Joseph A.	19989
Faberlle', Benjamin	13970	Fowler, Charles D.	15325	Ghannoum, Elie Albert	18760
Fail, Joseph D.	10403	Francis, John Elbert	8311	Ghavidel, Behrouz	21622
Fairchild, F. J. III	13866	Franco, Joseph A.	16969	Ghazanfari, Ahmad	15393
Farabee, Mark	18113	Franklin, Larry B.	10734	Ghere, Arthur M.	6783
Farnsworth, Brian W.	18710	Franks, Anthony L.	19841	Gibson, James A.	14112



## License Expirations January 1, 2006 to February 29, 2006

### Professional Engineers (cont.)

Gibson, Ronald F.	20154	Graves, Toby Robert	13481
Giffhorn, William A. III	5505	Gray, Lawrence E.	18473
Gill, Kenneth E.	11591	Gray, Michael Lee	12824
Gillespie, James William	5225	Gray, Richard E.	6569
Gillette, John Kelly III	18717	Green, Howell R.	11910
Gillette, John M.	19613	Green, O. Michael	12974
Gillmore, Marlin E.	11298	Greene, Raymond H.	11354
Giovi, L. Ted	17632	Greenlees, William M.R.	19446
Girod, Royce D.	7989	Griffin, A. Willis	5020
Giroux, Victor Antone	11615	Griffin, Albert S. Jr.	6353
Gist, James E. Sr.	12986	Griffin, Billy C.	14111
Goering, J. Randall	8804	Griffis, Lawrence G.	13851
Gogu, Jagath Reddy	12276	Griffith, Ray G.	5821
Goins, Dennis L.	14898	Groenewold, Van D.	5106
Goodell, C. Jeff	7833	Grove, Edward Erskin	11364
Goodell, Frank Eugene	16532	Grover, Andrew W.	18708
Goodman, Philip Jess	11873	Grubbs, Edward C.	6607
Gordon, David R.	10438	Grundmann, Diana Ruth	16492
Gorman, William Russell Jr.	11327	Guggiana, Richard Paul	19482
Gould, Jon H.	20059	Gumban, Joshua S.	17699
Govaerts, Kenneth C.	7459	Gumeson, Charles E.	19632
Graham, Andrew Bennett	21183	Gunnin, Bill Lee	11930
Grauer, Bette L.	14067	Guthrie, Kip D.	21685
Graves, Douglass H.	17691	Thralls, Abby Anne	22173

### Certificates of Authorization:

Baker Engineering & Surveying Inc.	4004 (PE/LS)
BEF Engineering Company	2379 (PE)
dba CLC Associates, Inc.	4898 (PE)
Gateway Services West, L.L.C.	4605 (LS)
Gunnin Consulting Engineers, Inc.	2182 (PE)
Midwest Surveying, Inc.	4753 (LS)

### Professional Land Surveyors:

Egan, Peter D.	817
Flores, Luis A.	1370
Folsom, Jim W.	1108
Gay, Harold M. Jr.	1592

## **Attention All Land Surveyors:** While you are certainly responsible to be knowledgeable about all the statutes and rules that affect your profession, we have spotlighted a few changes that you certainly want to be aware of. The first is the inclusion of minimum standards for property descriptions, which were written into the Minimum Standards for the Practice of Land Surveying. It reads as follows:

- (d) Minimum Standards for Property Descriptions.
  - (1) All property descriptions prepared shall at a minimum contain the following items:
    - (A) A preamble containing the Quarter Section, Section, Township, Range, Principle Meridian (Indian or Cimarron) and the County and/ or City of the tract of land being described or a preamble containing the Lot and/or Block number, subdivision name and the county in which it is filed of record, and
    - (B) A beginning point (if applicable) referenced to a point such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision, and
    - (C) Distances listed to the nearest hundredth of a foot (if surveyed), and
    - (D) Bearings or angles listed in degrees, minutes and seconds (if surveyed), and
    - (E) A reference to all bearings shown must be clearly stated, i.e., whether to "True North"; "Grid North as established by state plane datum"; "Assumed North based on the bearing of a well established line"; a "Deed call for a particular line"; or "the bearing of a particular line shown upon a plat", and
    - (F) Curved lines with circular curves shall show: (1) Direction of the curve (right or left), (2) The radius; (3) Arc distance; and (4) Central angle, or chord distance and chord bearing. When lines are non-tangent to a curve, it shall be so stated and sufficient angular data shall be shown to relate the line to the curve, and
    - (G) The aliquot method of describing the property may be used in lieu of a metes and bounds description, and
    - (H) The name and license number of the professional surveyor who prepared the description, and
    - (I) The date of preparation of the property description.
  - (2) A written legal description of the surveyed tract of land must provide sufficient information to locate the property on the ground and distinctly set it apart from all adjoining properties.
  - (3) A metes and bounds description must return to the Point of Beginning and close mathematically within the allowable closure error stated in this subchapter.

### **Changes were made to the Minimum Standards for Land Surveying, as follows:**

- 245:15-13-2(c)(3) All survey drawings shall bear the name, address, telephone number, certificate of authorization number and expiration date of the Certificate of Authorization of the firm issuing the drawing, along with the name, license number, seal, signature, and date of signature of the surveyor.
- 245:15-13-2(c)(4) All survey drawings must bear the date of the last site visit and bear the date of any revisions thereon. If the site visit was performed on multiple dates, the drawing may specify the range of those dates.
- 245:15-13-2(c)(13)(F) Field work which has a closure error greater than the maximum allowed, or linear error of closure greater than the maximum positional error shown, shall be considered unacceptable and shall be corrected. Adjustment of a traverse must not shift the position of any point more than the maximum positional error listed above. (G) In lieu of maximum allowable positional error, the latest Accuracy Standards for ALTA/ACSM Land Title Surveys must be used for determining minimum accuracy requirements.

### **Changes were made to Specifications for Certified Corner Records as follows:**

- 245:15-21-3. Specifications for Certified Corner Records
  - (2) Each Certified Corner Record shall contain the following minimum information:
    - (B) description of the monument, such as stone, iron pin, or brass cap, listing the corner and supporting evidence found, including (1) physical and record evidence; (2) evidence supporting the validity of the location of the monument position; (3) parol evidence (statements of witnesses) when applicable;
    - (G) for every corner set, a description of the method used and supporting evidence found, including, (1) the monument set and any rehabilitation work done; (2) any accessories or witness corners set; (3) if restoring a monument, give a statement of the variations between the original monument position and the monument set; (4) the methods used for restoration; (5) list evidence supporting the validity of the location of the monument set.





## Summary of Rule Revisions (cont.)

### Subchapter 15 – Ethical Marketing of Services

- Language added to state “Licensees participating in a design/built procurement as a prime contractor or as a consultant to a builder or another professional of any tier for delivery of a project to or for the use of a governmental entity shall not have violated the provisions of Section 15-15-3 by the submission of a fee or price for services prior to the licensee’s selection to participate in the project.”

### Subchapter 17 – Licensee’s Seal

- Language added to state “Also, a licensee not practicing as a firm shall also include contact information to include address and phone number.”
- Language added to describe signing and sealing and responsible charge issues in circumstances where a licensee in responsible charge of the work is unavailable by reason of incapacity or death to complete the work.
- Language added to address signing record drawings.

### Subchapter 19 – Organizational Practice

- Language amended to state “A licensee who performs only part-time, occasional, or consulting services for a firm shall not qualify as a person designated in responsible charge. A licensee who can demonstrate, through an employment relationship (not a consulting relationship) with the firm, the required direct control and personal supervision over all the engineering or land surveying services and the personnel performing services on behalf of the firm including, without limitation, immediate direction and personal presence in the work place shall not be disqualified for the sole reason that all of the firm’s engineering or land surveying services are accomplished with less than full time employment of the licensee.”
- Language amended to state “The Certificate of Authorization shall identify all individuals, Oklahoma Professional Engineer(s) or Land Surveyors(s) who shall practice engineering or land surveying on behalf of the firm and shall be employees of the firm.

### Subchapter 21 – Corner Perpetuation and Filing Act

- Language amended to revise the minimum information required on a Certified Corner Record. Changes to this rule are substantive and must be read in their entirety by all surveyors. *A summary is included on page 6 of this newsletter.*

### Subchapter 23 – Violations

- Language included as follows “The following actions shall not be violations under 59 O.S. 475.1 et seq and the rules of the Board provided that the licensee is licensed in the licensee’s home jurisdiction, meets the requirements of licensing for Oklahoma, discloses that the licensee is not licensed in Oklahoma, and obtains a license in Oklahoma prior to commencing the practice of engineering or land surveying in Oklahoma: (A) Advertising in national publications or electronic media, or (B) Responding to letters of inquiry regarding requests for qualifications and interest from out-of-state engineers or land surveyors, or (C) Using the title/designation Professional Engineer, Licensed Engineer, P.E., Professional Land Surveyor, Licensed Land Surveyor, or P.L.S. or the like on letterheads, or business cards.”
- Language amended to further define fraud or misrepresentation (245:15-23-4)
- Language amended to further define gross negligence (245:15-23-5)
- Language amended to further define gross incompetence (245:15-23-6)
- Language amended to further define misconduct or dishonest practice (245:15-23-7)
- Other changes are legal or administrative in nature



## Along the Path to Compliance

by Bruce Pitts, PLS, Director of Enforcement

This is my first column to write as Director of Enforcement, and I welcome the opportunity to discuss issues with you, as licensees of the Board, which will hopefully assist you in your practice and in your profession. The Executive Director mentioned in her article the fact that changes to the statute regulating the practice of engineering and land surveying became effective November 5<sup>th</sup> of last year. In response to those changes, the board has just completed the rule making process that clarifies and explains the changes made in the statute. As citizens we are expected to know the law. As licensees, we are expected to keep current with the laws and rules effecting our and practice and are even required to sign a statement to that effect every time we renew our license. If we operate a firm, we are expected to know the law and rules that regulate firm practice in Oklahoma as well.

A quick glance at the discipline section in this edition of *The Board's Bulletin* reveals a disturbing number of cases where the law was violated. In some cases it may not be a blatant disregard of the regulations, it may just be the licensee is uneducated because the matter was not discussed with the board office prior to commencing work. In those cases, the prudent course of action would have been to contact the board office and ask for clarification. For example, if you are anticipating a project in another state, before you offer and certainly before you start practicing, I recommend that you contact the licensing board in that state and inquire about the licensing process and if they require that your firm also be licensed. This is not an unreasonable request and most state board offices are used to these types of calls and appreciate the opportunity to assist. Just ask an attorney friend if they would go into another state and start practicing without first being licensed by the State Bar Association. That rarely happens and it shouldn't happen in the engineering profession either. This really is just a matter of common sense and professional responsibility.

In future articles we will address several of those specific sections of the statutes and rules where most violations occur. Our efforts will focus on educating licensees about the laws and rules and how they relate directly back into public protection. We will investigate together such public protection issues as direct control and personal supervision, correct signing and sealing of documents, practicing within your areas of expertise and competence, negligence and misconduct.

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*Editor's Note: Bruce Pitts served on the Board from 1991 to 2000 as the land surveyor member of the Board. He received his B.S. degree from Oklahoma State University in Mechanical Engineering Technology, and has been a practicing surveyor since 1976. He is also an instructor of land surveying courses at OSU-Oklahoma City, and regularly conducts seminars on the Minimum Standards for Land Surveyors, legal principles of land surveying and legal descriptions for both the Oklahoma Society of Land Surveyors and the Oklahoma Land Title Association. Bruce's enthusiasm for enforcement of the regulations for engineering and surveying began during his tenure as a Board Member, and continues today with his enthusiastic efforts to educate professionals and assist in active enforcement of the regulations of the Board.*





# Disciplinary Activity of the Board

November 17-18, 2005

**In the Matter of Construction Engineering Services (the Company) and Jeffrey D. Zabel (Zabel), Case No. 2005-25, Through Consent:** The Company is found **Guilty** of offering and practicing engineering services in the state of Oklahoma without a certificate of authorization. It is assessed an administrative penalty of \$250.00. Zabel is found **Guilty** of practicing engineering in Oklahoma without a professional engineer license, and is hereby assessed an administrative penalty in the amount of \$500.00.

**In the Matter of SHW Group, LLP, CA 2619 (SHW), Case No. 2005-37, Through Consent:** SHW is found **Guilty** of offering to practicing engineering in the state of Oklahoma without a current certificate of authorization. It is assessed an administrative penalty in the amount of \$500.00.

**In the Matter of Charles Patrick Garner, Jr., PE 8816 and Garner Engineering Co., CA 1086, Case No. 2005-39, Summary of Findings of Fact and Conclusions of Law:** For practicing engineering services in the state of Oklahoma with an expired professional engineer license, for signing a false statement to induce payment, and for providing false information to the Board, Mr. Garner is found **Guilty** and assessed an administrative penalty in the amount of \$1,000.00. Mr. Garner's license is **Suspended** for a term of one year by the Board and as a condition of reinstatement, Mr. Garner is ordered to complete the course in Intermediate Studies in Engineering Ethics and provide proof of completion at such time he applies for reinstatement. Garner Engineering, is found **Guilty** of practicing engineering without a certificate of authorization and is assessed an administrative penalty in the amount of \$200.00. **Charles Garner is ordered to Cease and Desist from the practice of engineering in the state of Oklahoma until such time as his license to practice is reinstated by order of the Board.**

**In the Matter of Associated Engineering Consultants, LTD dba Gose & Associates (Associated) and Roger Warren Gose (Gose), Case No. 2005-41, Through Consent:** Associated is found **Guilty** of offering, advertising, and performing land surveying services when it is authorized to only offer engineering services. It is assessed an administrative penalty in the amount of \$3,000.00. Gose aided and assisted the firm in offering and practicing land surveying without a certificate of authorization to do so and is found **Guilty** of misconduct in doing so. He is assessed an administrative penalty in the amount of \$1,000.00. **Associated and Gose are ordered to Cease and Desist from the offer or practice of land surveying services until such time as they are authorized to do so.** Gose is ordered to complete Intermediate Studies in Engineering Ethics within one year of the date of this order.

**In the Matter of High Plains Technical Services, Inc. (High Plains) and David R. Graham (Graham), Case No. 2005-50, Through Consent:** High Plains is found **Guilty** of practicing engineering in the state of Oklahoma without a certificate of authorization and without a professional engineer in responsible charge of the work. Further it is found **Guilty** of making

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## **Disciplinary Activity of the Board (cont.)**

misrepresentations to a client. It is assessed an administrative penalty in the amount of \$3,000.00 and **ordered to Cease and Desist**. Mr. Graham is found **Guilty** of representing himself as a professional engineer without being licensed, and is assessed an administrative penalty in the amount of \$500.00.

**In the Matter of Ronald A. Lavarney, PLS 1090, Case No. 2005-60, Through Consent:** For violating the Minimum Standards of Surveying by failing to search thoroughly for all controlling corners when performing surveying services, Lavarney is hereby **Reprimanded**.

**In the Matter of James J. Reddin, PLS 1510, Case No. 2005-62, Through Consent:** James Reddin is found **Guilty** of offering and practicing surveying without a current professional land surveyor license to do so, and is assessed an administrative penalty in the amount of \$3,000.00.

*The Winter 2006 Board's Bulletin reported disciplinary activity for November 17-18, 2005 which should have stated January 12-13, 2006. Sorry for the confusion.*

### **February 27-28, 2006**

**In the Matter of Midland Group, Inc. (Midland), and Steve Conaway, Case No. 2005-21, Through Consent:** Midland is found **Guilty** of offering and practicing engineering in the state of Oklahoma on several projects without a certificate of authorization to do so. It is assessed an administrative penalty in the amount of \$3,000.00. Steve Conaway is found **Guilty** of representing that he is an engineer in the state of Oklahoma when he is not licensed to do so. He is assessed an administrative penalty in the amount of \$500. **Midland Group is ordered to Cease and Desist from offering or practicing engineering in the state of Oklahoma until it is authorized to do so. Steve Conaway is ordered to Cease and Desist from the practice of engineering in the state of Oklahoma until he is authorized to do so.** Midland and Conaway are ordered to provide a monthly report to the Board for two years, consisting of a list of the projects they have within the state of Oklahoma and a brief description of the project and the permitting authority for each project.

**In the Matter of Brett Alan Biesemeyer, PE 15023 and RMK Engineering, Inc., CA 1481 (RMK), Case No. 2005-44, Summary of Findings of Fact and Conclusions of Law:** Mr. Biesemeyer is found **Guilty** of undertaking an assignment outside of his area of expertise; signing and sealing plans that deal with a subject matter in which he lacks competence; misconduct by showing disregard or neglect in failing to comply with the applicable rules, codes, and recognized standards; and gross negligence because he failed to engage an architect and other qualified engineering consultants to provide the plans for the areas in which he lacks competence. **Biesemeyer is assessed an administrative penalty in the amount of \$5,000.00 and ordered to Cease and Desist the practice of mechanical and electrical engineering until such time that he can demonstrate to the Board's satisfaction that he is competent to practice in those areas. Further, he is put on probation for the practice of structural engineering for two years. As a condition of probation Mr. Biesemeyer must complete the Intermediate Studies in Engineering Ethics Course.** RMK is found **Guilty** of undertaking an assignment outside its area of

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## Disciplinary Activity of the Board (cont.)

expertise; issuing plans that deal with subject matters in which it lacks competence; misconduct by showing disregard or neglect in complying with the applicable rules, codes, and recognized standards; and gross negligence because it failed to engage an architect and other qualified engineering consultants to provide the plans for the areas in which it lacked competence. RMK is assessed an administrative penalty in the amount of \$1,000.00.

**In the Matter of Blackledge & Associates, and Larry K. Blackledge, Case No 2005-64, Through Consent:** Larry K. Blackledge is a licensed architect in the state of Oklahoma. Larry K. Blackledge dba Blackledge & Associates is found **Guilty** of offering and practicing engineering services in the state of Oklahoma without a certificate of authorization or license to do so. **Larry K. Blackledge dba Blackledge & Associates is assessed an administrative penalty in the amount of \$2,500.00 and ordered to Cease and Desist from practicing or offering to practice engineering until such time as it has been issued a license to do so.**

**In the Matter of Dywidag Systems International, USA, Inc. (Dywidag) and Darrell Parker, Case No. 2005-67, Through Consent:** Dywidag is found **Guilty** of offering and performing engineering services in the state of Oklahoma without a certificate of authorization to do so. It is assessed an administrative penalty in the amount of \$5,000.00. **Dywidag is ordered to Cease and Desist from practicing or offering to practice engineering in the state of Oklahoma until such time as it has been authorized to do so.**

**In the Matter of Hamon Research – Cottrell, Inc., CA 4871 (Hamon), Case No. 2005-74, Through Consent:** Hamon is found **Guilty** of offering and practicing engineering in the state of Oklahoma without a certificate of authorization to do so. Further, it is found **Guilty** of not providing information requested by the Board. It is assessed an administrative penalty in the amount of \$1,500.00.

**In the Matter of Innovative Consulting & Development, Inc., CA 4887 (Innovative), and Joseph A. Baran, PE 21522, Case No. 2005-76, Summary of Findings of Fact and Conclusions of Law:** Innovative is found **Guilty** of offering and practicing engineering in the state of Oklahoma without a certificate of authorization to do so. Further, Mr. Baran is found **Guilty** of offering and practicing engineering in the state of Oklahoma without a professional engineer license to do so. Both are hereby **Reprimanded.**

**In the Matter of Jairzinho Vasquez, PE 22035 and HG Engineering (HG), Case No. 2006-05, Through Consent:** HG is found **Guilty** of offering and practicing engineering in the state of Oklahoma without a certificate of authorization to do so. Mr. Vasquez is found **Guilty** of offering engineering services in the state of Oklahoma without a professional engineering license to do so. Both HG and Mr. Vasquez are found **Guilty** of not providing information to the Board as requested. HG is assessed an administrative penalty in the amount of \$1,000.00. Mr. Vasquez is assessed an administrative penalty in the amount of \$500.00.



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