

BEFORE THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

IN THE MATTER OF: )  
NEBRASKA BOARD OF ENGINEERS )  
AND ARCHITECTS, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
STEPHEN P. MASLAN, )  
License No. E-5424, )  
 )  
Respondent. )

CASE NO. 15.02

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
DISCIPLINARY ORDER**

Statement of the Case.

This matter comes before the Nebraska Board of Architects and Engineers (the Board) pursuant to a petition filed by the Board to initiate disciplinary proceedings against Stephen P. Maslan, Respondent. The complaint was filed on or about January 23, 2015, and a hearing on the petition was held on March 20, 2015 commencing at 9:00 a.m. in the Fifth Floor Conference Room, 215 Centennial Mall South, Lincoln, Nebraska, to determine sufficiency of the charges contained in the petition and what discipline, if any, should be imposed upon the engineering license of Respondent.

The Board was represented at the hearing by William F. Austin, Special Assistant Attorney General. The Respondent did not appear. The Board notes that an amended Notice of Hearing (Exhibit 1) was mailed to Respondent by registered mail as required by statute, and evidence of delivery (Exhibit 2) shows that Respondent received the same on or about February

18, 2015. The hearing proceeded without Respondent being present and the Board, being fully advised in the premises finds and orders as follows:

### **FINDINGS OF FACT**

1. The Board of Engineers and Architects is an agency of the State of Nebraska, created and established pursuant to Neb. Rev. Stat. §81-3428 to administer the Engineers and Architects Regulation Act.
2. Respondent has been licensed in the state of Nebraska as a professional engineer since April 16, 1982 through comity with the state of Kansas and holds license #E-5424. Respondent's license was most recently renewed by the Board through an application dated December 3, 2014 and approved December 12, 2014 for an additional two-year period ending December 31, 2016.
3. On or about December 19, 2014, the Board's compliance officer, Lisa Mathews, received information to the effect that Respondent's professional engineering license in Missouri had been revoked effective December 8, 2014 pursuant to an order entered in a proceeding styled Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects, Petitioner v Stephen P. Maslan, Respondent, Case Number 2008-00279PV2.
4. The basis of the revocation of Respondent's license in the Missouri proceeding was the finding that he had practiced architecture without a license and, after having been placed on probation for such violation, Respondent violated the terms of the settlement agreement entered into between Respondent and the State of Missouri. Respondent, in the settlement agreement, stipulated that he had practiced architecture without a license.
5. Respondent was further found by the Missouri Board to have violated restrictions on his professional engineering license, which limited his practice to structural and civil engineering, by

engaging in engineering services outside those areas of practice on three separate projects, denominated as the Cotton Candy Daycare Project, the Generator Studios Project, and the Screenland Theaters project.

6. Respondent has also been recently disciplined by the Kansas State Board of Technical Professions in a proceeding styled Kansas State Board of Technical Professions v Stephen P. Maslan (Case Number 12-06) in which the Kansas Board determined that Respondent had deviated from generally accepted engineering standards and practices in his design, preparation, and sealing of plans and specifications for fire alarm systems for two different structures. The Kansas Board found that Respondent's conduct constituted gross negligence, incompetence, and misconduct, and placed Respondent on probation.

### **CONCLUSIONS OF LAW**

1. The Board finds that it has jurisdiction over these proceedings and that the petition presents a case in which the Board must determine whether or not a licensee has violated the Engineers and Architects Regulation Act (Neb. Rev. Stat. §81-3401 et seq.) or any of the rules and regulations promulgated thereunder.

2. That 110 Nebraska Administrative Code Section 5.4.3.1 provides, in pertinent part:

“An architect or professional engineer may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect or professional engineer is disciplined in any other United States jurisdiction.”

3. Neb. Rev. Stat. §81-3442 prohibits a person from practicing architecture without being licensed.

4. That 110 Nebraska Administrative Code Section 5.1.1 provides that:

“In practicing engineering or architecture, the architect or professional engineer shall act with reasonable care and competence and shall apply the technical knowledge and skill ordinarily applied by architects or professional engineers of good standing in the same locality.”

5. That 110 Nebraska Administrative Code Section 5.1.3 provides:

“The architect or professional engineer shall undertake to perform professional services only when he or she, together with those whom the architect or professional engineer may engage as consultants, is qualified by education, training, and experience in specific technical areas involved.”

6. The Board finds that the Respondent, by engaging in the practice of architecture without a license, by negligently designing fire systems, and by practicing engineering outside his areas of expertise in Missouri and Kansas, was engaging in actions which would lead to disciplinary action in this jurisdiction and the Board is therefore authorized to take disciplinary action against the Respondent.

#### **DECISION AND ORDER**

Having carefully and fully considered all the evidence presented at the hearing before the Board, the Board unanimously finds that the Respondent, Stephen P. Maslan, has failed to comply with the laws and regulations governing his professional practice in Kansas and Missouri, that he has been disciplined in those jurisdictions on grounds substantially similar to those which would lead to disciplinary actions in this jurisdiction and that the imposition of disciplinary action is appropriate. The Board unanimously orders that Respondent's professional engineering license (license number E-5424) be and the same is hereby revoked. Respondent

shall return all indicia of licensure to the Board office within thirty (30) days of the date of this Order.

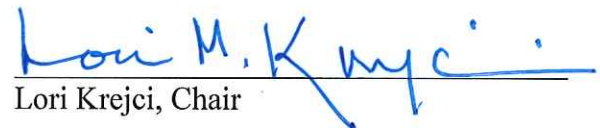
The Board further directs the Executive Director of the Board to transmit a copy of this Order to Respondent in the name of and on behalf of the Board and to affix the seal of the Board hereto.

So ordered this 27<sup>th</sup> day of March, 2015. This Order is effective immediately.

Attest

Nebraska Board of Engineers and Architects

  
Steve Masters, Executive Director

  
Lori Krejci, Chair

