

BEFORE THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

IN THE MATTER OF:)	CASE NO. 16.18
NEBRASKA BOARD OF ENGINEERS)	
AND ARCHITECTS,)	
)	
Petitioner,)	ORDER OF DISCIPLINARY
)	ACTION
vs.)	
)	
MICHAEL J. OLLERICH)	
)	
Respondents.)	

This matter comes on for hearing on February 24, 2017. Testimony was heard and evidence was received. Based on the testimony and evidence received, the Nebraska Board of Engineers and Architects (the Board) finds and rules as follows:

The Parties

1. Respondent, Michael J. Ollerich, is an individual who previously held a Professional Engineer (“P.E.”) license in the State of South Dakota.
2. The Board of Engineers and Architects was created to administer the Engineers and Architects Regulation Act, Neb.Rev.Stat. §§81-3401 to 81-3455.

The Hearing

3. On or about December 15, 2016, Petitioner received notice from the South Dakota Board of Technical Professions that Respondent’s South Dakota P.E. license had been permanently revoked.
4. On or about January 19, 2017, counsel for the Board sent by registered mail a Petition and Notice to Respondent that a hearing would be held before the Board to address South Dakota’s revocation of Respondent’s P.E. license and the effect the revocation would have on the Respondent’s Nebraska license.

5. The hearing was held on February 24, 2017. A quorum of the Board was present. The Board was represented through counsel, Special Assistant Attorney General Sean Minahan. Respondent did not appear.

Findings of Fact

6. On or about April 11, 1979, the Nebraska State Board of Examiners for Professional Engineers and Architects issued a letter to Respondent notifying Respondent that his application for registration as a Professional Engineer in the State of Nebraska had been approved on the basis of comity with South Dakota.

7. On November 14, 2014, the South Dakota Office of Hearing Examiners issued a Proposed Decision finding Respondent had violated South Dakota Codified Law (“SDCL”) 36-18A-56(3), and SDCL 36-18A-56(12) and suggested the Board of Technical Professions discipline Respondent as allowed by law.

8. On December 8, 2014, the South Dakota Board of Technical Professions issued an order permanently revoking Respondent’s South Dakota P.E. license, License No. 3211.

9. On December 9, 2014, notice of the order was submitted to Respondent and his attorney.

10. On December 12, 2016, the South Dakota Engineering Society faxed a notice to the Board notifying the Board that the South Dakota Board of Technical Professions had permanently revoked Respondent’s South Dakota P.E. license, License No. 3211, due to incompetency and unprofessional conduct and the South Dakota Supreme Court had dismissed Respondent’s appeal application.

Conclusions of Law

11. Respondent holds a Nebraska P.E. license, License No. E-4818, on the basis of comity with South Dakota.
12. Respondent's South Dakota P.E. license has been permanently revoked.
13. Nebraska Administrative Code Title 110 Rule 5.4.3.3, states "a Nebraska license based on comity with another jurisdiction shall be concurrently suspended upon suspension or revocation of that jurisdiction's license."

Order

14. Pursuant to Nebraska Administrative Code Title 110 Rule 5.4.3.3 Respondent's Nebraska P.E. license, License E-4818, issued on the basis of comity with South Dakota is hereby revoked in concurrence with the revocation of the Respondent's South Dakota P.E. license.

Dated: March 24, 2017.

THE NEBRASKA BOARD OF ENGINEERS
AND ARCHITECTS, Petitioner

By: _____

Its: Chairperson

