

BEFORE THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

IN THE MATTER OF:)	COMPLAINT NO.: 20.11
NEBRASKA BOARD OF ENGINEERS)	
AND ARCHITECTS,)	
)	
Petitioner,)	
)	SETTLEMENT AGREEMENT
v.)	
)	
MARK EDWARD ORR,)	
)	
Respondent.)	
)	

COME NOW the Complainant, State of Nebraska Board of Engineers and Architects (the “Board”), and Respondent, Mark Edward Orr (“Orr”) (E-16017) and in consideration of the mutual covenants and agreements contained herein, stipulate and agree as follows:

THE PARTIES

1. Respondent, Mark Orr (E-16017), is an individual who holds a license in the State of Nebraska for the practice of professional engineering.
2. Complainant, the Board, was created by the State of Nebraska to oversee the laws and rules which govern the practice of engineering and architecture in the state in order to safeguard life, health, property and promote public welfare pursuant to Neb. Rev. Stat. §§ 81-3401 – 81-3455 and Title 110 of the Nebraska Administrative Code.
3. On February 28, 2020, the Board received correspondence from Respondent self-reporting a Disciplinary Action from the Arizona State Board of Technical Registration (“Arizona”) that went into effect on March 4, 2019. In issuing the Disciplinary Action, Arizona found Respondent failed “to apply the appropriate knowledge and skill in the practice of a Board

regulated profession” and was, therefore, subject to discipline under A.R.S. §32-128(C)(4) as it relates to A.A.C. R4-30-301(6).

4. Arizona restricted Respondent’s Arizona registration as Professional Engineer (Civil) #45655 and prohibited Respondent from practicing structural engineering until Respondent passed the National Council of Examiners of Engineering and Surveying (“NCEES”) 16-hour Structural Engineering Exam. Furthermore, the Respondent was required to submit his next three structural engineering projects for peer review, and provide the Arizona State Board of Technical Registration, the name of the Professional Structural Engineer who would peer review Respondent’s projects.

5. Respondent also self-reported a Disciplinary Action from the Colorado Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors (“Colorado”) which placed Respondent’s Colorado engineering license on probation and restricted Respondent from practicing structural engineering until the Board voted to fully restore Respondent’s license. In issuing the Disciplinary Action, Colorado found Respondent was subject to discipline under C.R.S. §12-120-206 for “violating a law or regulation governing the practice of engineering in another state” and for failure to report a disciplinary action in another jurisdiction within 45 days under Board Rule 1.3. The Colorado Disciplinary Action went into effect February 12, 2020.

6. The Board finds that Respondent is in violation of Neb. Admin. Code Title 110 5.4.1 and 5.5.4 and subject to Disciplinary Action pursuant to Neb. Admin. Code Title 110 5.4.3.

7. In an effort to resolve this matter without further formal proceedings, Orr agrees to enter into this Settlement Agreement.

8. In the event there are any further violations of Nebraska statutes or regulations, the parties agree that the Settlement Agreement will not be construed as a legal admission by Respondent of a violation of law or regulation, except for the limited purpose as referenced in this Agreement.

9. Respondent is entitled to formal process, including a hearing as provided by law. However, the Board and Respondent have agreed by way of this Settlement Agreement to resolve this matter, without formal process, including a formal hearing. Respondent hereby waives his right to any hearing or procedure provided by law and further waives any right to review any order entered by the Board prior to an entry of final order in this case.

10. The Board agrees it will forego prosecuting the formal action against Respondent, except if necessary, to enforce the terms of this Settlement Agreement, if Respondent complies with the Settlement Agreement, including the following terms:

(A) Respondent's professional engineering license (E-16017) is hereby restricted and Respondent is prohibited from practicing structural engineering. The license restriction will run concurrently with the Arizona's restriction and will not be restored until Respondent complies with each and every requirement of the Arizona Disciplinary Action entered into on March 4, 2019; including completion of the NCEES 16-hour Structural Engineering Exam, peer-review of Respondent's next three structural engineering projects and payment of any and all fines and costs ordered by Arizona: and

(B) Due to Respondent's voluntary disclosure of disciplinary action, the Board will not be assessing any costs, fines, or penalties.

11. Respondent voluntarily agrees to the terms of this Settlement Agreement.

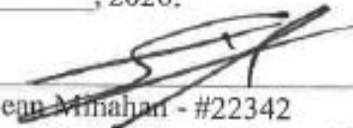
12. Respondent agrees and understands that if he is found to violate any other or separate provision of Nebraska law or regulation which govern the activities of licensed professional engineers in the State of Nebraska within a period of five (5) years of executing this Settlement Agreement, the Board may consider matters referenced in this Settlement Agreement in imposing any subsequent penalty against Respondent for separate offenses.

13. Respondent agrees and understands that if he does not comply in all respects with the terms of this Settlement Agreement the Board is entitled to pursue all other remedies allowed pursuant to Nebraska law and regulations, including a separate proceeding brought against Respondent with respect to the violations alleged in the complaint.

14. The parties agree and understand this Settlement Agreement is not binding unless and until it is accepted and approved by the Board.

Dated this 14th day of May, 2020.

By:


Sean Minahan - #22342
Special Assistant Attorney General
Nebraska Board of Engineers and Architects

By:

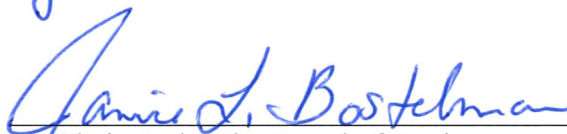

05/13/2020
Mark Edward Orr

BOARD APPROVAL

The foregoing Settlement Agreement, having been signed and executed by Mark Orr as well as the attorney for the Board in this particular matter, has been reviewed by the members of the Nebraska Board of Engineers and Architects, and by virtue of the signature below, this Settlement Agreement is approved by the Board.

Dated this 22 day of May, 2020

By:

A handwritten signature in blue ink, appearing to read "James L. Bastelma", written over a horizontal line.

As Chair, Nebraska Board of Engineers and
Architects