

BEFORE THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

IN THE MATTER OF:)
NEBRASKA BOARD OF ENGINEERS)
AND ARCHITECTS,)
)
Petitioner,)
)
v.)
)
DANIEL CRAWFORD and LORI)
CRAWFORD,)
)
Respondents.)
)
)
)

CASE NO.: 20.22

**ORDER FOR
DISCIPLINARY ACTION**

This matter comes on for hearing on May 13, 2021. 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. Respondents, Daniel Crawford and Lori Crawford are individuals who reside and own the property at 27349 SW 131 Road, Beatrice, Nebraska 68310 (the “Property”).
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. In April 2020, the Board received information that Respondents Daniel Crawford and Lori Crawford were in the process of constructing a single-story, 8,400 square foot structure

(the “Project”) on the Property. The design of the Project was not prepared by, nor bore the seal of a Nebraska-licensed architect or professional engineer

4. On or about March 18, 2021, counsel for the Board served Respondents a Petition for Disciplinary Action by United States Registered Mail. The Respondents were also notified that a hearing would be held on May 13, 2021 before the Board to address the Board’s concern that the Project constituted the unlicensed practice of architecture and engineering in violation of the Engineers and Architects Regulation Act, Neb. Rev. Stat. §§81-3401 to 81-3455 (the “Act”).

5. The hearing was held on May 13, 2021. A quorum of the Board was present. The Board was represented through counsel, Special Assistant Attorney General Sean Minahan. The Respondents did not appear and were not represented at the hearing.

Findings of Fact

6. Respondents owned the Property and authorized the renovations on the Project.

7. Upon the evidence presented, the Project consisted of the construction of a one-story building used as assembly space and comprising of 8,400 square feet and is classified as an Assembly occupancy under the State Building Code.

8. On June 8, 2020 Compliance Officer, Amy Habe, submitted correspondence notifying Respondents that the Project may have violated the laws governing the practice of engineering and architecture in the State of Nebraska. At that time, the Board authorized the Respondents to provide architectural and engineering remediation of the Project under Neb. Admin. Code Title 110, Board Rule 8.4.

9. On September 8, 2020 Respondents provided a remediation letter from Michael Fakler (A-3413) which identified several architectural deficiencies in the Project. The letter was

accompanied by a structural analysis by Kyle Ruse (E-12232) which indicated structural deficiencies in the Project.

10. Despite Respondents engaging licensed professionals, Respondents have failed to complete the remediation suggested by Michael Fakler or Kyle Ruse and has failed to complete the remediation of the Projects as governed by Neb. Rev. Code Title 110, Board Rule 8.4.

Conclusions of Law

11. Through their conduct and ownership of the Property, Respondents have been engaged in the practice of architecture and engineering in violation of Neb. Rev. Stat. §81-3441 and §81-3442.

12. Respondents have failed to complete the remediation of the project.

13. The practice of architecture and engineering without a license is a violation of the Engineers and Architects Regulation Act, Neb. Rev. Stat. §§ 82-3401 to 81-3455, and Respondents are subject to disciplinary action.

Order

UPON THE EXECUTION OF THIS ORDER BY EXECUTIVE DIRECTOR JON WILBECK AS AUTHORIZED BY THE BOARD, THE BOARD DOES HEREBY ORDER THE FOLLOWING:

14. Respondents are hereby directed to cease and desist all acts constituting the unlicensed practice of architecture and engineering, including, but not limited to the construction, expansion, remodeling, alteration, renovation, or remediation of the Project unless

such construction, remodeling, alteration, renovation, or remediation is designed and supervised by an appropriately state licensed professional engineer or state licensed architect.

15. The Board further finds that Respondents' practice of architecture and engineering without a license or without proper authorization is a substantial risk to the life, health and property of the public and hereby imposes a civil penalty of two thousand five hundred dollars (\$2,500.00) for the unlicensed practice of architecture and a civil penalty of two thousand five hundred dollars (\$2,500.00) for the unlicensed practice of engineering for a total civil penalty of five thousand dollars (\$5,000.00) as allowed under Neb. Rev. Stat. § 81-3444(1)(e).

16. Due to the mitigating circumstances of Respondents engaging a licensed professional prior to the hearing, the Board defers enforcement of the civil penalty pending the Respondents' successful completion of the remediation of the Project pursuant to the suggestions of Mr. Fakler and Mr. Ruse evidenced by a final report signed and sealed by Mr. Fakler and Mr. Ruse within sixty (60) days of this order.

17. In the event Respondents fail to provide to the Board a final report signed and sealed by Mr. Fakler and Mr. Ruse evidencing the completion of the remediation of the Project the Board will order the civil penalties due immediately and take the necessary steps to enforce the civil penalty.

18. In addition, the Board assesses cost of the investigation of this complaint and the costs of these proceedings against Respondents in the following amounts pursuant to documentation supporting said amounts and provided to the Board:

- a. Attorney's Fees: \$1,400.50 _____
- b. Court Reporter: \$88.75 _____

c. Investigative Costs \$145.46_____

d. Total \$1,634.71_____

The assessed costs are not waived and are due immediately upon Respondent's receipt of this Order

Dated this 19th day of May, 2021.

THE NEBRASKA BOARD OF ENGINEERS
AND ARCHITECTS, Petitioner

By: Jon Willif

Its: Executive Director, as authorized to execute
by the Board