

BEFORE THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

IN THE MATTER OF:)
NEBRASKA BOARD OF ENGINEERS)
AND ARCHITECTS,)
)
)
Petitioner,)
)
v.)
)
JUSTIN CRUISE, CRUISE)
BROTHERS BUILDERS LLC, and)
HIGHWAY 10 DEVELOPMENT, LLC)
)
Respondents.)
)
)

CASE NO.: 20.27

**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, Justin Cruise (“Cruise”) is an individual who owns and operates Cruise Brothers Builders, LLC.
2. Cruise Brothers Builders, LLC (“Cruise Brothers”) is a limited liability company registered with the State of Nebraska and was the general contractor responsible for renovations to a property commonly known as 21595 State Highway 10, Pleasanton, Buffalo County, Nebraska (the “Property”).
3. Highway 10 Development, LLC (“Highway 10”) is a limited liability company registered in the State of Nebraska and which on information and belief owns the Property.
4. 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

5. In February 2020, the Board received information that Respondents Justin Cruise and Cruise Brothers Builders, LLC were in the process of constructing or remodeling a single-story golf course clubhouse known as the Greens at Prairie Hills (the “Project”). The Project is located at 21595 State Highway 10, Pleasanton, Buffalo County, Nebraska which is owned by Respondent, Highway 10 Development, LLC. The design of the Project was not prepared by, nor bore the seal of a Nebraska-licensed architect or professional engineer

6. On or about December 21, 2021, counsel for the Board served a Petition for Disciplinary Action and Notice of Hearing to Respondents by United States Registered Mail. The Petition notified Respondents that a hearing would be held on February 19, 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”).

7. On March 18, 2021, counsel for the Board served a Second Amended Notice of Hearing on Petition for Disciplinary Action, which notified the Respondents that a hearing would be held on May 13, 2021 before the Board.

8. 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

9. Respondent Cruise is an owner and operator of Cruise Brothers.

10. Respondent Cruise Brothers was the general contractor responsible for renovations on the Project.

11. Respondent Highway 10 owns the Property and authorized the renovations on the Project.

12. Upon the evidence presented, the Project consisted of the remodeling or renovation of a one-story building used as assembly space and comprising of 1,500 square feet and is classified as an Assembly occupancy under the State Building Code.

13. On June 11, 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.

14. On August 17, 2020, Compliance Officer, Amy Habe, delivered a second notice that the Project may have violated the laws governing the practice of engineering and architecture in the State of Nebraska and requested a remediation plan within 30 days.

15. To date, Respondents have failed to provide architectural and engineering remediation of the Project as governed by Neb. Rev. Code Title 110, Board Rule 8.4.

Conclusions of Law

16. 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.

17. Respondents have failed to provide a remediation plan which meets the requirements of Board Rule 8.4 (Title 110, Neb. Admin. Code).

18. 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:

19. 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.

20. 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).

21. 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' submission of a final remediation plan that sufficiently meets the requirements of Board Rule 8.4 (Title 110, Neb. Admin. Code) within ten (10) days of this order followed by the

successful completion of the remediation of the Project pursuant to plan within sixty (60) days of this order.

22. In the event Respondents fail to provide to the Board a remediation plan that sufficiently meets the requirements of Board Rule 8.4 (Title 110, Neb. Admin. Code) and successfully completes the remediation of the Project pursuant to the plan the Board will order the civil penalties due immediately and take the necessary steps to enforce the civil penalty.

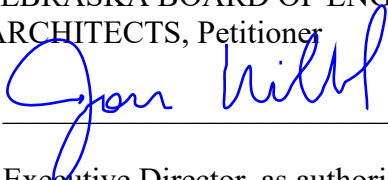
23. In addition, the Board assesses cost of the investigation of this complaint and the costs of these proceedings against Respondents in the following amounts pursuant to documentation supporting said amounts and provided to the Board:

- a. Attorney's Fees: \$2,202.75
- b. Court Reporter: \$88.75
- c. Investigative Costs \$236.38
- d. Total \$2,527.88

The assessed costs are not waived and are due within thirty (30) days of Respondent's receipt of this Order

Dated this 19th day of May, 2021.

THE NEBRASKA BOARD OF ENGINEERS
AND ARCHITECTS, Petitioner

By: 

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