

BEFORE THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS

IN THE MATTER OF:)
NEBRASKA BOARD OF ENGINEERS)
AND ARCHITECTS,)
)
Petitioner,)
v.)
)
HANCOCK LUMBER LLC, a Nebraska)
Limited Liability Company and DION)
HANCOCK, individually.)
)
Respondents.)

CASE NO.: 21.33

**ORDER ON
DISCIPLINARY ACTION**

This matter comes on for hearing on March 16, 2023. 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, Dion Hancock (“Hancock”) is an individual who owns and operates Hancock Lumber, LLC and the owner of property located at 165 Nebraska Street, Sterling, Nebraska 68443 (the “Property”).
2. Hancock Lumber, LLC (“Hancock Lumber”) is a limited liability company registered with the State of Nebraska and operated a business and authorized renovations located at 165 Nebraska Street, Sterling, Nebraska 68443 (the “Property”).
3. 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

4. In January 2021, the Board received information that Respondents were in the process of constructing of a two-story addition used as assembly space, incorporating

approximately 10,800 square feet to the existing Property (the “Project”). Upon information and belief, the design of the Project was not prepared by, nor bore the seal of a Nebraska-licensed architect or professional engineer.

5. On September 23, 2021, after an initial investigation, the Board delivered notice that the Project and the Respondents’ operation of the Project may have violated the laws governing the practice of engineering and architecture in the State of Nebraska. The notice also authorized the Respondents to provide architectural and engineering remediation of the Project under Neb. Admin. Code. Title 110, Board Rule 8.4.

6. On April 14, 2022, a Petition for Disciplinary Action was served on Respondents with a Notice of Hearing scheduled for June 10, 2022. The hearing was continued four times and Respondents were served a Fourth Amended Notice of Hearing on Petition for Disciplinary Action on February 16, 2023, scheduling the hearing on March 16, 2023.

7. The hearing was held on March 16, 2023. 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

8. Respondent Hancock is an owner and operator of Hancock Lumber, LLC, and owner of the Property.

9. Respondent Hancock Lumber operated a business at the Property and authorized and oversaw the Project located at the Property.

10. Upon the evidence presented, the Project consisted of the construction of a two-story addition, classified as Assembly occupancy, incorporating approximately 10,800 square feet to the existing Property.

11. On September 23, 2021, 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.

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

Conclusions of Law

13. 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.

14. Respondents have successfully completed engineering remediation but have failed to complete architectural remediation as required by Board Rule 8.4 (Title 110, Neb. Admin. Code).

15. The practice of architecture 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:

16. Respondents are hereby directed to cease and desist all acts constituting the unlicensed practice of architecture, 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 architect.

17. The Board further finds that Respondents' practice of architecture 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 Five Thousand Dollars (\$5,000.00) for the unlicensed practice of architecture as allowed under Neb. Rev. Stat. § 81-3444(1)(e).

18. Due to the mitigating circumstances of Respondents engaging and working with a licensed architect 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 sixty (60) days of this order and the successful completion of the remediation of the Project pursuant to plan within sixty (60) days of this order.

19. 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.

20. In addition, the Board assesses costs 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: \$2,646.00
- b. Court Reporter: \$293.50
- c. Investigative Costs \$653.11

d. Total \$3,592.61

The assessed costs are not waived and are due within sixty (60) days of Respondents' receipt of this Order.

DATED this 17th day of April, 2023.

THE NEBRASKA BOARD OF ENGINEERS
AND ARCHITECTS, Petitioner

By: 

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above Order on Disciplinary Action was served by regular United States first class mail, postage prepaid, on this 17th day of April, 2023:

Dion Hancock
135 Broadway Street
PO Box 7
Sterling Nebraska 68443

Hancock Lumber LLC
C/O Dion Hancock
165 Nebraska Street
Sterling Nebraska 68443

Dion Hancock via email at hancocklumberllc@gmail.com

Sean A. Minahan

