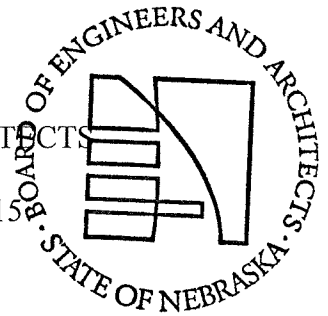


BEFORE THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS



IN THE MATTER OF:)
 NEBRASKA BOARD OF ENGINEERS)
 AND ARCHITECTS,)
)
 Petitioner,)
)
 v.)
)
 TRAVIS ALLGOOD, d/b/a ALLGOOD)
 CHIROPRACTIC/FIT 44 GYM)
)
 Respondent.)

CASE NO.: 23.15

**ORDER ON
DISCIPLINARY ACTION**

This matter comes on for hearing on May 17, 2024. 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, Travis Allgood (“Allgood”) is an individual and a resident of the State of Nebraska and owns property at 906 13th Street, Auburn, Nebraska 68305 (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 March 2023, the Board received information that Respondent was in the process of converting or remodeling a one-story building consisting of approximately 7,800 square feet (the “Project”). The Project appeared to involve the practices of architecture and engineering, as defined by Neb. Rev. Stat. §§ 81-3420 and 81-3421. The design of the Project was not prepared by, nor bore the seal of a Nebraska-licensed architect or professional engineer.

4. On May 16, 2023, after an initial investigation, the Board delivered notice that the Project and the Respondent's 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 Respondent to provide architectural and engineering remediation of the Project under Neb. Admin. Code. Title 110, Board Rule 8.4.

5. On March 21, 2024, a Petition for Disciplinary Action was served on Respondent with a Notice of Hearing scheduled for May 17, 2024.

6. The hearing was held on May 17, 2024. A quorum of the Board was present. The Board was represented through counsel, Special Assistant Attorney General Sean Minahan. The Respondent appeared but was not represented by counsel at the hearing.

Findings of Fact

7. Respondent Allgood is the owner the Property, and authorized and oversaw the Project.

8. Upon the evidence presented, the Project consisted of the conversion or renovation of an approximate 7,800 square foot building, classified as Assembly occupancy under the State Building Code.

9. On May 16, 2023, Compliance Officer, Amy Habe, submitted correspondence notifying Respondent 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 Respondent to provide architectural and engineering remediation of the Project under Neb. Admin. Code Title 110, Board Rule 8.4.

10. To date, Respondent has failed to provide architectural, or engineering remediation of the Project as governed by Neb. Rev. Code Title 110, Board Rule 8.4.

Conclusions of Law

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

12. Respondent has failed to complete architectural and engineering remediation as required by Board Rule 8.4 (Title 110, Neb. Admin. Code).

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 Respondent is 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. Respondent is 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 a Nebraska-licensed architect and a Nebraska-licensed professional engineer.

15. The Board further finds that Respondent's practice of architecture and engineering without a license or without proper authorization is a substantial risk to the life, health, property, and welfare 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 engineering as allowed under Neb. Rev. Stat. § 81-3444(1)(e).

16. Due to the mitigating circumstances, including but not limited to Respondent engaging and working with a Nebraska-licensed architect and professional engineer prior to the hearing, the Board defers enforcement of the civil penalty pending the Respondent's submission of a final architectural and engineering remediation plan that sufficiently meets the requirements of Board Rule 8.4 (Title 110, Neb. Admin. Code) within one hundred twenty (120) days of this order and the successful completion of remediation of the Project pursuant to plan within one hundred twenty (120) days of this order. The civil penalty shall be permanently stayed upon successfully remediating the project within the allotted time frame.

17. In the event Respondent fails 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, take the necessary steps to enforce the civil penalty, and take additional actions as necessary to protect the life, health, and property of the public.

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

- a. Attorney's Fees: \$1,486.17
- b. Court Reporter: \$ 130.00
- c. Investigative Costs \$ 423.85
- d. **Total** **\$2,040.02**

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

