

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
DISCIPLINARY REPORT
October 2019

IN THE MATTER OF SAMUEL MANLINOWSKY P.E. CASE NO. 18-9

Summary: In August 2017 the Board office received a complaint regarding Samuel Malinowsky. The complaint alleged Mr. Malinowsky had performed work personally for clients of his employer and diverted payment from his employer to himself. The Board assigned an investigator to follow up on these allegations in September 2017.

The Board found Mr. Malinowsky in violation of K.S.A 74-7026(a)(2). Specifically, wanton disregard of his employer by violating his employment contract, when he completed an engineering project and used his employers title sheet that represented the work as his employer's work product.

Board Action: Mr. Malinowsky entered into a Settlement Agreement and Consent Order in February 2019 with the Board, to which he admitted the violation, was fined \$5000.00, and order to pay costs of \$2918.44. Additionally, Mr. Malinowsky was ordered to obtain 4 extra professional development hours in ethics and for two years to submit quarterly reports to the Board of the licensee's projects in Kansas.

Status: The fine and costs have been paid in full as of 1/16/2019 .

IN THE MATTER OF ROGER JIVIDEN P.S. CASE NO. 18-10

Summary: In August 2017 the Board office received a complaint regarding Roger Jividen. The complaint alleged a violation of proper surveying practices. The complaint alleged Mr. Jividen performed work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations in September 2017.

The Board found Mr. Jividen in violation of K.S.A 74-7026(a)(2)(4) and instructed its counsel to prepare a settlement agreement and consent order accompanying a fine, including costs incurred by the board for the alleged violations.

Board Action: Mr. Jividen on May 25, 2018 fined in the amount of \$2,250 and costs of \$1,370.70.

Status: The fine and costs have been paid in full and the case was closed on 7/19/2019.

IN THE MATTER OF JAMES TEMPLE P.S. CASE NO. 18-15

Summary: In November 2017 the Board office received a complaint regarding James Temple P.S.. The complaint alleged a violation of proper surveying practices. The complaint alleged Mr.

Temple performed work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations in December 2017.

Board Action: The Board found Mr. Temple in violation of K.S.A 74-7026(a)(4). Specifically, failure to meet the Kansas Minimum Standards when he failed to file the required reference reports with the appropriate authority in Ness County, Kansas related to his survey.

Board Action: Mr. Temple entered into a Settlement Agreement and Consent Order with the Board to which he admitted the violation. Mr. Temple agreed to pay a fine in the amount of \$500 and cost totaling \$1,937.00.

Status: The fine and costs have been paid in full and the case was closed 10/05/2018.

IN THE MATTER OF WAYNE FISCH P.S. CASE NO. 18-16

Summary: In December 2017 the Board office received a complaint regarding Wayne Fisch. The complaint alleged multiple violations of proper surveying practices. The complaint alleged Mr. Fisch performed work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations in December 2017.

The Board found Mr. Fisch in violation of K.S.A 74-7026(a)(4). Specifically, multiple failures to meet the Kansas Minimum Standards when he failed to file the required reference reports with the appropriate authorities in Ness County, Hodgeman County, and the Kansas State Historical Society.

Board Action: Mr. Fisch entered into a Settlement Agreement and Consent Order with the Board to which he admitted the violation, was ordered to pay a fine in the amount of \$3,000, and costs of \$1,990.15.

Status: The fine and costs have been paid in full and the case was closed 08/03/2018.

IN THE MATTER OF JOHN WATSON P.S. CASE NO.. 18-22

Summary: In January 2018 the Board office received a complaint regarding John Watson. The complaint alleged multiple violations of proper surveying practices. The complaint centered around Mr. Watson performing work that deviated from acceptable land surveying standards and/or the minimum standards for boundary surveys. The Board assigned an investigator to follow up on these allegations on February of 2018.

The Board found Mr. Watson in violation of K.S.A 74-7026(a)(4). Specifically, multiple failures to meet the Kansas Minimum Standards of which include failure to re-monument corners, failure to research previous surveys, and failure to properly file surveying reference report in Lyons County.

Board Action: Mr. Watson entered into a Settlement Agreement and Consent Order with the Board on February 15, 2019, to which he admitted the violation, was fined in the amount of \$5,000, and ordered to pay costs of \$1,440.00.

Status: The fine and costs have been paid in full and the case was closed 02/20/2019.

IN THE MATTER OF RICHARD CRABTREE P.E. CASE NO. 19-7

Summary: In April 2018 Richard Crabtree renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In May 2018 the Board office received a Continuing Education Audit Report form from Mr. Crabtree. The documentation showed that six of the PDH’s were completed after the renewal period of May 1st, 2016 – April 30, 2018.

The board found Mr. Crabtree in violation of K.S.A 74-7026(a)(4). Specifically, when the licensee failed to complete thirty professional development hours of acceptable continuing education during the two-year period immediately preceding the biennial renewal date of his professional engineering license.

Board Action: Mr. Crabtree entered into a Settlement Agreement and Consent Order with the Board to which he admitted the violation and was fined in the amount of \$750.00.

Status: The fine and costs have been paid in full as of 12/19/2018.

IN THE MATTER OF PRESTON FAIRLEY P.E. CASE NO. 19-09

Summary: In April 2018 Preston Fairley renewed his license certifying “I have complied with the board’s requirements for 30 PDHs of continuing education to renew my license.” In May 2018 the Board office received a request for extension from Mr. Fairley that stated he not met the requirement for 30 PDH’s. The board approved an extension through July 30, 2018, but did not receive documentation evidencing completion of the 30 required PDH’s.

The board found Mr. Fairley in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to complete thirty professional development hours of acceptable continuing education during the two-year period immediately preceding the biennial renewal date of his professional engineering license.

Board Action: Mr. Fairley entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation, was fined in the amount of \$750.00, and ordered to obtain 2 extra professional development hours in ethics.

Status: The fine and costs have been paid in full as of 12/19/2018.

IN THE MATTER OF BRIAN HARP P.S. CASE NO. 19-11

Summary: In April 2018 Brian Harp renewed his license certifying "I have complied with the board's requirements for 30 PDHs of continuing education to renew my license." In May 2018 the board office received Mr. Harp's Continuing Education Audit Report form, claiming 13 hours of carryover. The office then directed the licensee to substantiate his 13 hours of carry over. In June

2018 the board received the additional documents, but a Certificate of Completion for the Kansas Minimums Standards was not included. Upon further correspondence with the applicant, Mr. Harp informed the board he did not take such a class during this renewal cycle.

The board found Mr. Harp in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to complete the required Kansas Minimum Standards class as part of the thirty professional development hours required for renewal of a professional surveyor's license.

Board Action: On February 20, 2019 a summary proceeding order was issued asserting the above violation and assessing a \$500.00 fine.

Status: Mr. Harp did not contest to the summary proceeding order and paid the fine in full on 3/11/2019.

IN THE MATTER OF ROBERT CHRISTENSEN P.E. CASE NO. 19-19

Summary: In March of 2018 Robert Christensen renewed his license certifying "I have complied with the board's requirements for 30 PDHs of continuing education to renew my license." In June of 2018 the Board office received a Continuing Education Audit Report form from Mr. Christensen; however, 12 hours claimed did not have the appropriate supporting documentation. The licensee was then mailed a letter requesting additional information, he did not respond to this request.

The board found Mr. Christensen in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to respond to the Board's request to provide substantiating documentation for his completion of the required thirty PDH's during a biennial renewal. Additionally, failure to complete thirty professional development hours of acceptable continuing education requirements during the two-year period immediately preceding the biennial renewal date of his professional engineering license.

Board Action: Mr. Christensen entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation, was fined in the amount of \$500.00, and required to obtain on extra professional development hour in ethics.

Status: The fine, costs, and ethics course have been paid/completed in full as of 05/01/2019.

IN THE MATTER OF ROD FINKLE P.E. CASE NO. 19-22

Summary: In March 2018 Rod Finkle renewed his license certifying "I have complied with the board's requirements for 30 PDHs of continuing education to renew my license." In May 2018 the Board office received a Continuing Education Audit Report form from Mr. Finkle; however,

no substantiating documentation was submitted. The licensee was then mailed a letter requesting additional information, He did not respond to this request.

The board found Mr. Finkle in violation of K.S.A 74-7026(a)(4). Specifically, the licensee failed to respond to the Board's request to provide documentation evidence for his completion of the required thirty PDH's during the biennial renewal date of his professional engineering license.

Board Action: On January 3, 2019 Mr. Finkle was issued a Summary Proceeding Order from the Board suspending his license. Mr. Finkle did not respond to the summary preceding order and his license was suspended until further order from the board.

Status: The order took effect and case closed as of 02/14/2019.

IN THE MATTER OF KENTON HUPP P.E. CASE NO. 19-25

Summary: In October 2018 Kenton Hupp contacted the board office inquiring into reinstatement of his license. Mr. Hupp then submitted his reinstatement application listing numerous projects he completed during the time in which his license had lapsed.

The board found Mr. Hupp in violation of K.S.A 74-7026(a)(4). Specifically, when the licensee practiced professional engineering after the expiration of his professional engineering license.

Board Action: Mr. Hupp entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation and was fined in the amount of \$500.00

Status: The fine and costs have been paid in full as of 12/19/2018.

IN THE MATTER OF JAMES ALBERTSON ARCH CASE NO. 19-35

Summary: In May 2018 James Albertson renewed his license certifying "I have complied with the board's requirements for 30 PDHs of continuing education to renew my license." In September he received a random audit notification from the Board. In October 2018 the Board office received notification from Mr. Albertson stating that he could not provide proof of his hours. The licensee further stated that he had begun to take additional courses to meet the requirement.

The board found Mr. Albertson in violation of K.S.A 74-7026(a)(4). Specifically, when the licensee failed to complete thirty professional development hours of acceptable continuing education requirements during the two-year period immediately preceding the biennial renewal date of his professional architect license.

Board Action: Mr. Albertson entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation and was fined in the amount of \$500.00.

Status: The fine and costs have been paid in full as of 02/14/2019.

IN THE MATTER OF WESLEY BRITSON P.E. CASE NO. 19-79

Summary: In May 2019 the board received a self-report of disciplinary action from Mr. Britson. The report stated that the Mr. Britson was sealing projects while his license was cancelled. His license was cancelled when he didn't renew by April 2018. He ceased sealing projects once he was made aware that his license was cancelled.

The Board found Mr. Britson in violation of K.S.A 74-7026(a)(14). Specifically, the licensee failed to renew his license, and then he placed his seal on seven projects while his license was expired.

Board Action: Mr. Britson entered into a Settlement Agreement and Consent Order with the Board, to which he admitted the violation and was fined in the amount of \$250.00. Mr. Britson must also apply for Reinstatement to obtain good standing with the Board.

Status: The fine and costs have been paid in full as of 09/06/2019.

Disclaimer: Every effort has been made to ensure that the following enforcement information is correct; however, this information should not be relied upon without verification from the Kansas board office. It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them. Disciplinary orders are public information and copies may be obtained by contacting the board office.