



**KANSAS STATE BOARD OF TECHNICAL PROFESSIONS
DISCIPLINARY REPORT SPRING 2017**

IN THE MATTER OF BRIAN AGBULOS

Summary: In September 2015 the Kansas State Board of Technical Professions received a report of alleged violation regarding Brian Agbulos. That report indicated that Mr. Agbulos had engaged in the unlicensed practice of engineering in Kansas when he prepared a spill prevention, control and countermeasure plan for the Black Teal Oil LLC, located in Hays, Kansas and indicated on said plan that he was a licensed engineer, when he was not so licensed in the State of Kansas.

Board Action: The Board and Mr. Agbulos resolved this matter by way of a Settlement Agreement and Consent Order, which contained the following terms:

1. Mr. Agbulos admitted that he had practiced, offered to practice or held himself out as authorized to practice the technical profession of engineering in the State of Kansas, when he was not licensed or authorized to do so.
2. Mr. Agbulos agreed to immediately cease and desist from practicing, offering to practice or holding himself out as authorized to practice engineering in the State of Kansas until such time as he has been licensed to do so, or had obtained a certificate of authorization allowing him to do so.
3. Mr. Agbulos agreed to pay a fine in the amount of \$2,000, plus the Boards expenses incurred in the investigation and prosecution of the matter in the amount of \$1,640, for a total fine and cost of \$3,640.

Status: The fine and costs required by the Settlement Agreement and Consent Order have been paid in full and the case file has been closed.

IN THE MATTER OF BRADLEY HUXOL

Summary: In April 2016 the Kansas State Board of Technical Professions received a report of alleged violation regarding Bradley Huxol which alleged that he had placed his professional engineering seal and company logo on sheets which had been produced by another engineering company and which was done in violation of the provisions of K.A.R. 66-6-4 (f)(1) & (2) and 66-6-4 (o)(1) or (2).

Board Action: The Board and Bradley Huxol resolved this matter by way of a Settlement Agreement and Consent Order which contained the following settlement terms:

1. Mr. Huxol shall pay a mandatory fine in the amount of \$500 plus investigative costs in the amount of \$406.48 and the Boards attorney fees in the amount of \$500 for a total of \$1,406.48
2. Mr. Huxol shall, within 180 days of entering into the Settlement Agreement and Consent Order, apply for and participate in a three hour engineering ethics course.

Status: The fine and costs required by the Settlement Agreement and Consent Order have been paid in full.

IN THE MATTER OF JAYME MALONE

Summary: During the year 2013 the Kansas State Board of Technical Professions took disciplinary action regarding Mr. Malone, pursuant to the provisions of K.S.A. 74-7026 (2) and K.A.R. 66-6-4 which action resulted in the Board and Mr. Malone entering into a Settlement Agreement and Consent Order. That Agreement and Order provided in part that Mr. Malone was to submit to the Board, for a one year period of time, copies of all surveys completed by him in the State of Kansas commencing on the date of the signing of the agreement.

During the one year period of time that the agreement was in effect Mr. Malone performed a large number of surveys for a project known as the Ironwood Wind Farms in Kansas. Copies of those surveys were then submitted to the Board in conformance with the terms of the previous Settlement Agreement and Consent Order for review pursuant to the terms of the agreement. Those surveys were then reviewed by a Board investigator who determined that they did not comply with the statutory requirements of K.S.A. 58-2011. As a result of that determination the Board then filed a new complaint against Mr. Malone, which alleged that he had failed to file the requisite reports with the Kansas State Historical Society for section corners recovered with regard to the Ironwood Wind Farm Project.

As a result of the filing of the new complaint and the Board determining that Mr. Malone had deviated from the requisite procedures, Mr. Malone then filed an appeal in the Shawnee County District Court alleging that the Boards Final Order to discipline Mr. Malone was in error. Thereafter the District Court rendered its decision in which it grant Mr. Malone's Petition for Review in part and denied it in part.

Board Action: Following the decision reached by the Shawnee County District Court the Board, Mr. Malone and his counsel met and reached an agreed upon resolution of the case which involved the following terms to-wit:

The Respondent acknowledges and admits that the District Court in it Memorandum and Order determined that;

- (A) Mr. Malone had acted as the land surveyor who conducted a survey originating from a United States public land survey corner or a related accessory; and,

(B) That K.S.A. 58-2011(a) requires a land surveyor to file a report for every section corner and center corner that exists for any section actually surveyed and the Mr. Malone had failed to comply with these requirements; and, as a result thereof, the Respondent agreed to the following:

1. Respondent shall pay the Board's costs incurred in the investigation and prosecution of this matter in the amount of \$3,576.25 and a fine in the amount of \$1,423.75. The total amount of \$5,000 may be paid in equal monthly installments over a period of twelve consecutive months with the first payment being due December 1, 2016 and the first day of each month thereafter until the full amount of \$5,000 has been paid in full
2. Mr. Malone shall prepare and file Land Survey Reference Reports with the appropriate counties and the Kansas State Historical Society for each section corner that appears on the survey drawings as a physical marker and pay a filing fee of \$4.00 for each report.
3. The Settlement Agreement and Consent Order shall constitute formal disciplinary action against Mr. Malone's Professional Surveying License by the Kansas State Board of Technical Professions.

Status: At the present time Mr. Malone's payments for the fine and costs are current.

IN THE MATTER OF BURT WEST

Summary: During 2014 the Kansas State Board of Technical Professions received a complaint which alleged that Burt West & Pro-Stake LLC had engaged in the unlicensed practice of land surveying in the State of Kansas. At the time alleged, Mr. West did not hold a license to practice land surveying practices nor did he hold a certificate of authorization authorizing to engage in land surveying in Kansas.

Board Action: The Board and Mr. West resolved the matter by way of a Settlement Agreement and Consent Order which contained the following terms and agreement.

1. That the settlement which Mr. West & Pro-Stake LLC and the Board of Technical Professions entered into is the settlement of a disputed claim.
2. That Mr. West & Pro-Stake LLC will immediately cease and desist from the use of any letterheads, business cards, phone book advertisements or any other documents which indicate that Mr. West &/or Pro-Stake LLC provides or is engaged in the practice of land surveying in the State of Kansas unless and until such time as they are licensed and/or hold a certificate of authorization allowing them to do so.

3. The Kansas State Board of Technical Professions will not pursue any further actions for the unlicensed practice by either Respondent which occurred prior to said individual or company which occurred prior to receiving a license or certificate of authorization to practice land surveying within the State of Kansas.
4. The Respondents Burt West & Pro-Stake LLC shall jointly pay a fine in the sum of \$2,000 to the Kansas State Board of Technical Professions on or before January 30, 2017.

Status: The \$2,000 fine has been paid in full.

IN THE MATTER OF AFSAR HASAN

Summary: In March 2016 at the time of Mr. Hasan's application to the Kansas State Board for renewal of his Kansas engineering license, Mr. Hasan reported that he had been disciplined by Missouri Board for Architects, Professional Engineers, Professional Surveyors and Professional Landscape Architects. Since the discipline imposed in the State of Missouri also served as a basis for the Kansas Board to discipline him, the Kansas Board directed that a complaint be prepared and filed with regard to Mr. Hasan.

Board Action: The Board and Mr. Hasan resolved the Kansas complaint by way of a Settlement Agreement and Consent Order which contained the following terms:

1. The respondent admitted that he had been disciplined by the State of Missouri Board for Architects, Professional Engineers, Professional Surveyors and Professional Landscape Architects.
2. Mr. Hasan's Kansas engineering license was placed on probation for the same period of time that he was placed on probation by the Missouri Board which was a one year period of time. No fine or costs were assessed by the Kansas Board.

Status: Mr. Hasan has completed his probation and his Kansas Engineering License is presently in good standing.

IN THE MATTER OF ATLAS SURVEYORS LLC

Summary: In 2015 the Kansas State Board of Technical Professions received a report of an alleged violation with regard to certain surveying work that representatives of Atlas Surveyors had offered to perform or performed in the State of Kansas at a time when it was not licensed and/or did not hold a certificate of authorization to perform land surveying in the State of Kansas.

Board Action: The Board and Atlas Surveyors resolved the unlicensed surveying claim with an agreed upon Settlement Agreement and Consent Order which contained the following terms and agreement:

1. The Respondent Atlas Surveyors LLC admits that it is not licensed as a land surveyor in the State of Kansas and that it prepared boundary survey in the State of Kansas which bears the signature and stamp of Roger B. Dill, but that bore the name of Atlas Surveyors LLC which was neither licensed and/or held a certificate of authorization authorizing it to engage in land surveying within the State of Kansas.
2. That Atlas Surveyors LLC will immediately cease and desist from engaging in the practice of land surveying as that term is defined by K.S.A. 74-7003 (t)(1)(A thru H).
3. That the Respondent Atlas Surveyors will pay all of the expenses of the Board including investigative and attorney fees incurred in the investigation and prosecution of the matter in the amount of \$2,465 and a fine in the amount of \$500, for a total fine and costs of \$2,965, which are to be paid on or before March 30, 2017.

Status: The fine and costs required by the Settlement Agreement and Consent order have been paid in full.