

**TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**February 16, 2023, Board Meeting Disciplinary & Administrative Actions**

**Brian Edward Capps, P.E. #82604, Tyler, TX; Case Number D-40521**

**Violation:** Mr. Capps failed to disclose a potential conflict of interest to a current client upon discovery of the possible conflict and accepted employment without all parties involved in the potential conflict of interest being fully informed in writing and the client or employer confirming the knowledge of the potential conflict in writing.

**Act/Rule Violated:** 22 Tex. Admin Code §§137.57(c) and 137.57(d).

**Resolution:** One Year Probated Suspension contingent upon successful completion of the TTU Engineering Ethics Basic Course and remittance of an Administrative Penalty of \$2,000.

**William Anthony Plumlee, P.E. #89777, Marble Falls, TX; Case Number D-38674**

**Violation:** Mr. Plumlee failed to affix his seal and original signature or his electronic seal and signature with the date on the final version of their engineering work before such work was released from his control.

**Act/Rule Violated:** 22 Tex. Admin Code §137.33(f).

**Resolution:** Formal Reprimand and Administrative Penalty of \$750.

**David Edward Miller, P.E. #116380, Raleigh, NC; Case Number D-41398**

**Violation:** Mr. Miller was disciplined by another jurisdiction after Mr. Miller provided a letter to a contractor for constructing a retaining wall for a residence stating that Mr. Miller certified the retaining wall was constructed in accordance with the manufacturer's specifications and subsequently, a portion of the retaining wall collapsed. After the collapse, Mr. Miller affixed his seal to a revised letter that was later found to be inaccurate. The disciplinary action was on matters that would constitute violations of the Texas Engineering Practice Act or board rules. Mr. Miller did not properly and promptly notify the Board he had been disciplined by another jurisdiction's regulatory agency.

**Act/Rule Violated:** 22 Tex. Admin Code §§137.5(c), 137.55(c), and 137.65(b).

**Resolution:** Formal Reprimand.

**Samuel Abraham Greenberg, P.E. #115339, Apollo Beach, FL; Case Number D-41710**

**Violation:** Mr. Greenberg was disciplined by another jurisdiction for producing a deficient, substandard and/or inaccurate report; failing to protect the public; affixing his professional engineer seal to inadequate design documents; and failing to exhibit competency by not getting adequate requirements and scope for the project. The disciplinary action was on matters that would constitute violations of the Texas Engineering Practice Act or board rules. Mr. Greenberg did not properly and promptly notify the Board he had been disciplined by another jurisdiction's regulatory agency.

**Act/Rule Violated:** 22 Tex. Admin Code §§137.5(c), 137.63(b)(6), and 137.65(b).

**Resolution:** One Year Probated Suspension.

**David Howard Recht, P.E. #91962, Irving, TX; Case Number D-41734**

**Violation:** Mr. Recht knowingly signed or sealed any engineering document or product if its use or implementation may endanger the health, safety, property or welfare of the public, and Mr. Recht performed any engineering function which, when measured by generally accepted

engineering standards or procedures, was reasonably likely to result in the endangerment of lives, health, safety, property, or welfare of the public. In addition, Mr. Recht failed to practice engineering in a careful and diligent manner.

**Act/Rule Violated:** 22 Tex. Admin Code §§137.37(a)(1), 137.55(b), and 137.63(b)(6).

**Resolution:** Two Year Probated Suspension contingent upon successful completion of the TTU Engineering Ethics Intermediate Course and remittance of an Administrative Penalty of \$5,000.

**Sandeep Kumar Nallagula, P.E. #126845, Frisco, TX; Case Number D-41822**

**Violation:** Mr. Nallagula failed to practice engineering in a careful and diligent manner by signing and sealing a report for a property that neither he nor his employee had ever visited.

**Act/Rule Violated:** 22 Tex. Admin Code §137.63(b)(6).

**Resolution:** One Year Probated Suspension contingent upon successful completion of the TTU Engineering Ethics Basic Course and remittance of an Administrative Penalty of \$2,500.

**Alliance Land Surveyors #S-10194244, San Antonio, TX; Case Number B-41020**

**Violation:** Alliance Land Surveyors offered professional surveying services without a registered professional land surveyor being employed full-time where the services were offered.

**Act/Rule Violated:** Tex. Occ. Code §1071.352(a).

**Resolution:** Administrative Penalty of \$500.

**Henry M. Santos, R.P.L.S. #5450, Richmond, TX; Case Number D-38730**

**Violation:** Mr. Santos performed any acts, allowed any omission, or made any assertions or representations which may have been fraudulent, deceitful, or misleading, or which in any manner whatsoever, tended to create a misleading impression, and Mr. Santos failed to set, or leave as found, an adequate quantity of monuments of a stable and reasonably permanent nature to represent or reference the property or boundary corners when delineating a property or boundary line as an integral portion of a survey.

**Act/Rule Violated:** 22 Tex. Admin Code §§663.10(7) and 663.17(b).

**Resolution:** Reprimand and Administrative Penalty of \$2,492.

**Christopher Earl Griffith, R.P.L.S. #4846, Longview, TX; Case Number D-40815**

**Violation:** Mr. Griffith performed any acts, allowed any omission, or made any assertions or representations which may have been fraudulent, deceitful, or misleading, or which in any manner whatsoever, tended to create a misleading impression, and Mr. Griffith failed to assume the responsibility for such research of adequate thoroughness to support the determination of the location of the boundaries of the land being surveyed.

**Act/Rule Violated:** 22 Tex. Admin Code §§663.10(7) and 663.16(3)(B).

**Resolution:** Reprimand and Administrative Penalty of \$3,000.

**Mark Vincent Matthews, R.P.L.S. #5483, Frisco, TX; Case Number D-41088**

**Violation:** Mr. Matthews failed to exercise reasonable care or diligence to prevent his partners, associates, or employees from engaging in conduct, which, if done by him, would violate any of the provisions of the Act or Board rules.

**Act/Rule Violated:** 22 Tex. Admin Code §663.10(4).

**Resolution:** Reprimand and Administrative Penalty of \$1,500.

**Allan Caviness, R.P.L.S. #4365, Lipan, TX; Case Number D-41183**

**Violation:** Mr. Caviness was disciplined by another jurisdiction for failing to execute a written contract with his client, failing to maintain responsible charge, being negligent in the professional performance of land surveying, failing to file a record of survey, failing to set durable boundary monuments at the property corners, and establishing and aiding and abetting an unlicensed individual. The disciplinary action was on matters that would constitute a violation of the Professional Land Surveying Practices Act or board rules.

**Act/Rule Violated:** 22 Tex. Admin Code §§661.97, 663.8(3), and 663.8(4).

**Resolution:** Two Years Probated Suspension contingent upon successful completion of twelve hours of surveying ethics.

**Jeremy Luke Deal, R.P.L.S. #5696, Godley, TX; Case Number D-41204**

**Violation:** Mr. Deal failed to act as a faithful agent for his clients.

**Act/Rule Violated:** 22 Tex. Admin Code §138.63(b)(4).

**Resolution:** Reprimand.

**Michael Dale Olson, R.P.L.S. #5386, Bastrop, TX; Case Number D-41731**

**Violation:** Mr. Olson failed to conduct surveying and related business affairs in a professional manner in interactions with involved parties and employees.

**Act/Rule Violated:** 22 Tex. Admin Code §138.63(b)(5).

**Resolution:** One Year Probated Suspension contingent upon remittance of an Administrative Penalty of \$500.