



ARKANSAS

State Board of Registration for Professional Engineers and Land Surveyors

Twin City Bank Building, Suite 660
North Little Rock, Arkansas 72114

P.O. Box 2541

(501) 324-9085

FAX (501) 324-9087

Little Rock, Arkansas 72203

Albert H. Miller, P.E., P.L.S.
President

E. Walter LeFevre, P.E.
Vice-President

William J. Driggers, P.E., P.L.S.

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Consumer Representative

Billy Wayne Fly
Consumer Representative

June 1994

NEWSLETTER

Ninth Edition

PRESIDENT'S LETTER

There has been a lot of activity since the last newsletter. I spoke to the Southeast Chapter of the Arkansas Society of Professional Engineers (ASPE) in November. Among the items I discussed was continuing professional development for professional engineers. A straw vote of those in attendance showed that they were for it.

During Engineer's Week in February, I reported to the annual meeting of ASPE. Also, at the awards luncheon, I presented P.E. Certificates to the newly registered engineers in an installation ceremony.

The Board continues to be active in responding to complaints received about engineers and land surveyors practicing illegally. The recent actions taken by the Board are discussed elsewhere in this newsletter. In order to promote a better understanding between the Board and the registrants, I have invited the presidents of ACEC, ASPE and ASPLS to attend our meetings and be included on the Agenda to discuss their concerns. At our March meeting there were representatives from the ASPLSS and we had a very fruitful discussion. We plan to continue this policy at future meetings.

A joint committee of representatives from our Board and the Architects Registration Board continues to meet. We have a cordial relationship with each other, and we are close to coming to a final draft agreement on the definition of incidental practice, as well as defining the role of both the engineer and the architect in the design of different categories of buildings.

I will complete my term as President of the Board in June. It has been a real pleasure for me to serve in this capacity. I appreciate the confidence that the Board showed in me and also their cooperation in dealing with the issues that came before us.

RULES OF THE BOARD

The Board, at its meeting on January 18, 1994, adopted new rules that were effective March 1, 1994. A large portion of the changes were necessary because of legislation passed at the last session.

The rules are being printed at this time. A copy of the rules will be mailed to all registrants as soon as they are received from the printer.

It is important that all registrants, both engineers and land surveyors, study and become familiar with the laws and rules of the Board that govern your profession.

“RESPONSIBLE CHARGE”

The Board, at its meeting on May 10, 1994, adopted the following policy concerning the definition of responsible charge for land surveyors. The Board agreed this policy would be enforced in the future in all land surveyor or land surveyor-in-training disciplinary actions.

Act 101 of 1967 states “any registered land surveyor may practice his profession through the medium of, or as a member or employee of, a partnership, firm, joint stock association, or corporation, provided all such surveys are signed and stamped with the signature and seal of the registered land surveyor **in responsible charge**. The registered land surveyor signing and sealing such surveys shall be personally and professionally responsible therefor, and his participation in any form of business organization such as a partnership, firm, joint stock association, or corporation either as a partner, principal, or employee, shall not limit his individual liability”.

The Board defines “responsible charge” as the direct supervision and review of each survey including procurement, research, field work, calculations, and final plat. This responsible charge shall be of such a nature as to give the client the impression that the registered land surveyor or the firm for which he is employed, is the provider of the surveying services.

The Board defines “employee” as a person working for salary or wages where the employer has the right to control and direct the employee not only as to the result to be accomplished by the work, but also as to details and means by which the result is accomplished.

Again quoting from Act 101, “It shall be unlawful for any person to practice or offer to practice land surveying in the state, as defined in the provisions of this Act, or to use in connection with his name, or otherwise assume, or advertise any title or description tending to convey the impression that he is a land surveyor, unless such person has been duly registered under the provisions of this Act”.

For surveys performed by non-registered employees of a partnership, firm, stock association, or corporation, it will be considered prima facie (assumed true until proven otherwise) that these surveys are being performed under the direct supervision of the registered member of the business organization.

For surveys performed by non-registered individuals who are not employees of a registered land surveyor nor of a business organization for which a registered land surveyor is employed, it will be considered prima facie that these surveys are not being performed under the direct supervision of a registered land surveyor regardless of whether these surveys have been stamped and signed. In such cases where this practice is occurring, the registered land surveyor who has stamped and signed the surveys may be called to appear before the Board and present such evidence as is necessary to prove that in fact these surveys have been performed under his direct supervision.

For applicants applying for registration as a land surveyor who wish to have the Board consider work experience that was not performed as an employee of a registered land surveyor nor a firm for which a land surveyor is employed, will be required to present to the Board such evidence as is necessary to prove that in fact his work was performed under the direct supervision of a registered land surveyor.



DISCIPLINARY ACTION

The Board held a disciplinary hearing on January 18, 1994, against Mr. John Williams, PLS #1091. After the hearing, the Board voted to find Mr. Williams guilty of violating the rules of the Board Article 15. A4 & A5. The Board imposed a civil penalty of \$2,000.00 and placed Mr. Williams license on probation for six months.

The Board held a disciplinary hearing on January 18, 1994, against Mr. Michael Bishop, PE #5345. After the hearing, the Board voted to find Mr. Bishop guilty of violating the rules of Professional Conduct paragraph I A&B and paragraph II B&C. The Board imposed a civil penalty of \$3,000.00 and suspended Mr. Bishop's license for one year.

The Board entered into a consent decree with Mr. Ricky Dedman, PE #7362 for stamping plans on a lapsed license. The Board agreed to a civil penalty of \$2,000.00 for this offense.

The Board held a disciplinary hearing on May 10, 1994, against Mr. George Nichols, Jr., PLS #1069. The hearing revealed Mr. Nichols had been convicted of a class "C" felony in Newton County Circuit Court. The Board voted to revoke the license of Mr. Nichols.

The Board entered into a consent decree with Mr. Ronald Brixey, PE #4456 for practicing outside his area of expertise. The Board agreed to a civil penalty of \$3,000.00 plus the completion of the intermediate ethics course for engineers from Texas Tech University.

IMPORTANT BOARD DATES

- June 30, 1994 Land Surveyors Renewals Due
- July 19, 1994 Board Meeting, Little Rock
- Aug. 1, 1994 Deadline for Applications
for October Exams
- Aug. 3-6, 1994 NCEES Annual Meeting
Rapid City, South Dakota
- Sept. 13, 1994 Board Meeting, Little Rock
- Oct. 28, 1994 Principles & Practice of Engineering
and Land Surveying Exams
- Oct. 29, 1994 Fundamentals of Engineering and
Land Surveying Exams

NEW REGISTRANTS

Professional Engineers

The following have completed all requirements and have been licensed as Professional Engineers since the last newsletter.

William Carl Aycock
Mark Christie
Michael John Falkner
Patricia Faye Ferrell
Lester R. Frank
Thomas T. Givens, Jr.
Solon V. Ryper Hale
Kevin D. Hall
Kevin E. Hodge
Michael J. Hood
Brock E. Hoskins
Steven D. Huff
Gerald P. Lawrence, Jr.
Edward Alton May, Jr.
Paul M. Moldenhauer
Don Alan Moseley
Jake Rice, III
Bernard S. Richburg
Danny Joe Robb
James S. Rowe
Shahrukh Shahzada
Gregory D. Shipley
Richard M. Stingley
Scott A. Stuff
David E. Torgerson
Dennis C. Tune
Steven C. Van Namen
Rusty L. Vines
George Y. Vogt
Marcus G. Weston

Professional Land Surveyor

The following have completed all requirements and have been licensed as Professional Land Surveyors since the last newsletter.

Bruce Daniel Chavis
Nathaniel de Aryan
James F. Lewis, Jr.

BOARD OFFICERS

The Board, at its meeting on May 10, 1994, elected the following officers to serve from July 1, 1994, to June 30, 1995.

President E. Walter LeFevre
Vice President Jim Engstrom

Please Take Note

Apparently, many of our registrants have been relying upon the Arkansas Society of Professional Engineers, Arkansas Society of Professional Surveyors and other organizations to forward their address change notifications to the Board of Registration. As a matter of policy, the Board must review address change notifications in writing directly from the registrant. No other notifications of address change will be accepted. If your address on this mailing is incorrect, please complete the following and mail to the Board Office at P.O. Box 2541, Little Rock, Arkansas 72203.

Please Type or Print Clearly

NAME _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

SOCIAL SECURITY NO. _____

PE/LS LICENSE NO. _____

SIGNATURE _____

**ARKANSAS STATE BOARD OF
REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**
P.O. BOX 2541
LITTLE ROCK, ARKANSAS 72203

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