

**BEFORE THE ARKANSAS STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

**Arkansas State Board of Licensure for
Professional Engineers and Professional
Surveyors**

COMPLAINANT

Case #2010-26

**Charles Michael Bolin, PE
Michael Bolin & Associates, Inc
PO Box 605
Benton, AR 72018-0605**

RESPONDENT

ORDER

On May 10, 2011, the Board of Licensure for Professional Engineers and Professional Surveyors (“Board”) held an administrative hearing to consider whether Charles Bolin (“Respondent”) was in violation of the Engineering laws or rules of the Board. Respondent appeared in person and the Board was represented by Assistant Attorney General, Mandy Abernethy. Finding proper notice had been given, and after considering all evidence presented, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Bolin is a Professional Engineer licensee of the Board, and the Board has jurisdiction over his conduct.
2. Darrell Madding (“Madding”) owned and operated a firm called All-Star Recycling, LLC, located in Union County, Arkansas.

3. All-Star Recycling was under an Administrative Order from the Arkansas Department of Environmental Quality (“ADEQ”) to prepare a plan for site investigation, conduct an environmental investigation based on the plan, and report the outcome of the investigation.

4. Madding retained Environmental Services Group, Inc (“ESGI”) to prepare the plan, conduct the investigation, and report on the results.

5. ESGI does not now, nor has it ever, held a valid Certificate of Authorization to offer or provide engineering services in Arkansas.

6. A report of the findings of the field investigation was issued in January of 2009 by ESGI, but was not accepted by ADEQ, at least in part for lack of a professional seal.

7. ESGI then retained Bolin to review and sign/seal the documents required by ADEQ. Bolin sealed/signed the report on February 25, 2009.

8. Also on February 25, 2009, Bolin invoiced ESGI five hundred dollars (\$500) for his review and seal on the report.

9. By his admission, Bolin produced no work product of any type for the report, made or required no changes to the report before sealing it, and did not visit the site.

10. The signed/sealed report was submitted by ESGI to ADEQ on April 4, 2009, and on July 7, 2009, ADEQ issued an extensive Notice of Deficiency on the report.

CONCLUSIONS OF LAW

11. The conduct of the Respondent, as outlined in the Findings of Fact above, constitutes one count of sealing documents that have not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control, in violation of Arkansas Code Annotated §17-30-305.

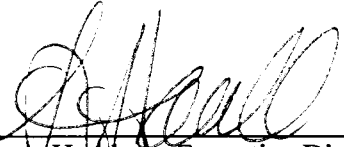
12. The conduct of the Respondent, as outlined in the Findings of Fact above, constitutes one count of aiding and assisting ESGI to offer or provide engineering services in Arkansas without a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-305.

ORDER

A civil penalty of \$250 is assessed against Respondent for his violation of Ark. Code Ann. §17-30-305(a)(1)(G), and a civil penalty of \$1250 is assessed against Respondent for his violation of Ark. Code Ann. §17-30-305(a)(1)(I), for a total civil penalty of \$1500, payable to the Board within 50 days pursuant to Ark. Code Ann. § 17-30-306(f). Additionally, Respondent shall receive a Letter of Reprimand on both violations.

Pursuant to Arkansas Code Annotated § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or in the Circuit Court of Pulaski County within thirty days after service of this Order.

IT IS SO ORDERED this 24th day of June, 2011.



Steve Hatson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

CERTIFICATE OF SERVICE

I, James Atchley, investigator for the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, do hereby certify that I have served a copy of the attached order by mailing copies of same, by first class mail and certified mail, with return receipt requested and postage prepaid, on this 24th day of June, 2011, to:

Mr. Charles Michael Bolin, PE
 Michael Bolin & Associates, Inc
 PO Box 605
 Benton, AR 72018-0605

James H. Atchley

 James Atchley, Board Investigator

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

OFFICE

Postage \$	64
Certified Fee	2.85
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.79

Sent To _____
 Street, Apt. No., or PO Box No. *Bolin*
 City, State, Zip+4 _____

Postmark Here
 LITTLE ROCK, AR ST CAPITOL STA
 JUN 24 2011

See Reverse for Instructions

7002 0510 0001 8878 6757

1. Article Addressed to:
 Charles Michael Bolin, PE
 Michael Bolin & Associates, Inc
 PO Box 605
 Benton, AR 72018-0605

2. Article Number (Please Print service label)
 7002 0510 0001 8878 6757

PS Form 3811, August 2001 Domestic Return Receipt

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

A. Signature *Charles Michael Bolin*
 B. Received by (Printed Name) *Charles Michael Bolin*
 C. Delivery Date *2011 JUN 24*
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below _____
 USPS

REC'D JUN 28 2011

10000-08-01-1540