

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

Complainant:

Arkansas State Board of Licensure for
Professional Engineers and Professional
Surveyors

Case #2010-03

Respondent:

Mr. David Fuqua, PE
Terra Form, Inc
10300 Windmill Road
Fairhope, AL 36532-4860

DISCIPLINARY HEARING

On September 14, 2010, the Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter “the Board”) held a formal hearing to consider the referenced matter. Finding proper notice had been given the Respondent, and after considering all evidence presented, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Fuqua is now, and was at all times relevant to the complaint, licensed as a Professional Engineer in Arkansas, and the Board has jurisdiction over his conduct.
2. Terra Form does not now, nor has it ever, held a valid Certificate of Authorization to offer engineering services in Arkansas.
3. On February 18, 2010, Board staff visited Terra Form’s webpage and found the firm described as “an Engineering Design/Construct company that was founded in 2004.”
4. Just above the text quoted in Item 3 was a listing of states where the services were offered, including Arkansas.
5. In his answer to the investigation by the Board into the conduct of Terra Form, Fuqua stated “This complaint was filed for (the original complainant’s) own personal

benefit and should be, as a licensed Professional Engineer himself in several states, considered unethical and contrary to the code of conduct for a Professional Engineer.”

CONCLUSIONS OF LAW

Offering engineering services, as outlined in Item (3) and Item (4) of the Findings of Fact above, constitutes one count of offering to provide engineering services in Arkansas, within the meaning of Arkansas Code Annotated §17-30-101(4)(B)(ii), without a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-303.

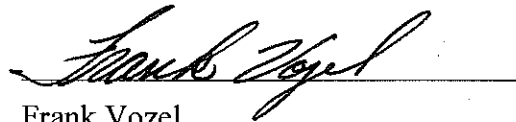

The conduct of Fuqua, as outlined in Item (5) of the Findings of Fact, was found not to be a violation of Article III.C of the Rules of Professional Conduct.

ORDER

For the lack of a Certificate of Authorization, the Respondent shall pay to the Board a civil penalty of \$500, to be paid within fifty (50) days of the service of this Order, as provided for in Arkansas Code Annotated §17-30-306(f)(2).

The action alleging Fuqua violated Article III.C of the Rules of Professional Conduct is dismissed.

ORDERED this 11th day of October, 2010.


Frank Vozel


APPEALS

This Order may be appealed within thirty (30) days of service upon the Respondent, as specified in the Arkansas Administrative Procedures Act, according to the provisions of Arkansas Code Annotated §25-15-212.

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 11th day of October, 2010, to:

Mr. David A. Fuqua, PE
 Terraform, Inc
 10300 Windmill Road
 Fairhope, AL 36532-4860

James H. Atchley

 James Atchley, Board Investigator

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

OFFICIAL USE

Postage	\$ 0.44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.54

Postmark: LITTLE ROCK, AR ST CAPITOL STA
 OCT 11 2010
 USPS

Sent To: Terraform

Street, Apt. No., or PO Box No.
 City, State, ZIP+4

PS Form 3800, January 2009. See Reverse for Instructions.

7002 0510 0001 8278 5576

Mr. David A. Fuqua, PE
Terraform, Inc
10300 Windmill Road
Fairhope, AL 36532-4860

RECEIVED OCT 11 2010

7002 0510 0001 8278 5576

PS Form 3811, August 2007