

BEFORE THE ARKANSAS BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

IN THE MATTER OF GARY EUBANKS AND ASSOCIATES

RESPONSE AND SETTLEMENT PROPOSAL

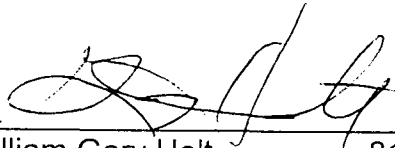
Comes the Respondent, Gary Eubanks and Associates, in response to the Order and Notice of Hearing before the Arkansas Board of Registration for Professional Engineers and Land Surveyors ("the Board"):

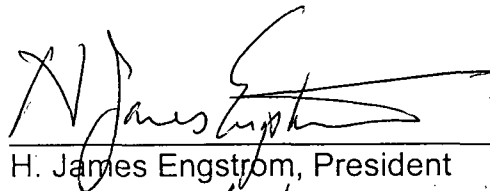
1. Paragraph 1 of the Board's Order and Notice of Hearing is admitted.
2. Paragraph 2 of the Board's Order and Notice of Hearing is admitted.
3. Paragraph 3 of the Board's Order and Notice of Hearing is neither admitted nor denied.
4. Under and pursuant to ARK. CODE ANN. § 17-30-101 et seq. and the rules of the Arkansas Board of Registration for Professional Engineers and Land Surveyors, Respondent proposes the following courses of action in an effort to settle the matters raised by the Board's Order and Notice of Hearing:
  - (a) Respondent will remove the word "engineer" from its Yellow Pages advertising;
  - (b) Respondent will immediately remove its television advertising which refers to the fact that Respondent has an attorney with an engineering degree on staff;
  - (c) Respondent will change the audio portion of its television advertising from "an attorney with an engineering degree" to "an attorney with a technical degree";

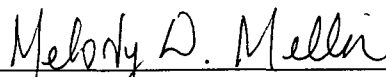
- (d) For each of the two violations outlined in Paragraph 3 of the Board's Order and Notice of Hearing Respondent will consent to pay a \$1,000, civil penalty for a total of \$2,000.

Respectfully submitted,

Gary Eubanks and Associates  
P.O. Box 3887  
Little Rock, Arkansas 72203-3887  
(501) 372-0266

By:   
William Gary Holt 81090  
President, Gary Eubanks & Associates

  
H. James Engstrom, President  
Dated: 9/16/03

  
Melody D. Miller  
Assistant Attorney General  
Dated: 9/16/03

**BEFORE THE ARKANSAS BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**IN THE MATTER OF GARY EUBANKS AND ASSOCIATES**

**ORDER**

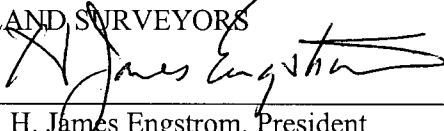
In view of the Findings of Fact, Conclusions of Law and the Consent of Gary Eubanks and Associates (hereinafter "Respondent") as stated in the Response and Settlement Proposal filed herein, the Arkansas Board of Registration for Professional Engineers and Land Surveyors hereby issues the following Order:

1. Respondent consents to the terms and conditions of this Order and waives a public hearing.
2. Respondent shall pay a civil penalty of \$2,000.00 within thirty (30) days of the date of this Order.
3. Respondent shall eradicate its errors by withdrawing all advertisements referring to "engineer" in the firm.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF  
REGISTRATION FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS

BY: \_\_\_\_\_

  
H. James Engstrom, President

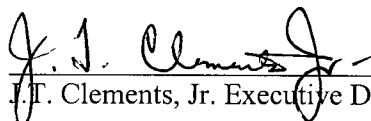
Dated: \_\_\_\_\_

9/16/03

**CERTIFICATE OF SERVICE**

I, J.T. Clements, Jr., Executive Director of the Arkansas State Board of Registration for Professional Engineers and Land Surveyors, do hereby certify that I have served a copy of the foregoing Order by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 17th day of September, 2003, to:

Gary Eubanks and Associates  
708 West 2<sup>nd</sup> Street  
Little Rock, AR 72201

  
J.T. Clements, Jr. Executive Director