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10-8-03 MB

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

IN THE MATTER OF HDC ENGINEERING, NON-REGISTRANT

CONSENT AGREEMENT

A complaint charging HDC Engineering (hereinafter "Respondent"), with violations of the statute governing registered Engineers in the State of Arkansas has been received by the Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of matters presently before the Board.

Based upon the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

I. Findings of Fact

1. Respondent is not now, nor has ever been at any time relevant hereto, been granted a Certificate of Authorization to offer professional engineering services in the state of Arkansas. Nor does it have an owner, officer or an employee who is a licensed professional engineer in Arkansas.

2. On or about April 22, 2003, Respondent prepared or caused to be prepared a set of civil drawings for the Kraft Warehouse Addition located at 4020 Planters Road, Fort Smith, AR 72908. These drawings were provided to the Fort Smith Building Permit Office without an Arkansas registered Professional Engineer's seal. Respondent's conduct constitutes one (1) violation of the statutory prohibition against practicing engineering without a license as defined by Ark. Code Ann. §§ 17-30-301 (4)(B)(i) & (iv) and one violation of Ark. Code Ann. § 17-30-

303 (Prohibits the practice of or offer to practice for others, as defined in Ark. Code Ann. § 17-30-101, by individuals through a corporation as officers, employees, or agents without the requisite certificate of authorization.)

## II. Conclusions of Law

1. The conduct described in the Findings of Fact violates Ark. Code Ann. §17-30-303, which requires that no person shall practice or offer to practice engineering unless he has been registered by the Board. The conduct described in the Findings of Fact violates Ark. Code Ann. §17-30-303 which prohibits the practice of or offer to practice for others by individuals through a corporation as officers, employees, or agents without the requisite certificate of authorization.

## III. Consent

1. Respondent admits the allegations contained in the Board's Findings of Fact and Conclusions of Law.
2. In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, appeal or judicial review relating to the Order.
3. Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning these matters.
4. Respondent acknowledges that it has consulted legal counsel prior to entering this Consent Agreement.
5. Respondent understands that this Consent Agreement is effective upon its acceptance by the Board.

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

IN THE MATTER OF HDC ENGINEERING, NON-REGISTRANT

ORDER

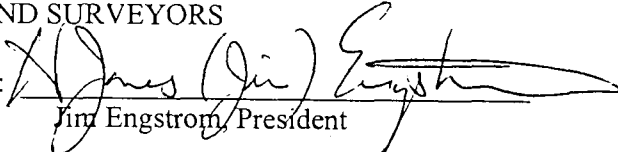
In view of the Findings of Fact, Conclusions of Law and the Consent of HDC Engineering (hereinafter "Respondent") as stated in the Consent Agreement filed herein, the Arkansas Board of Registration for Professional Engineers and Land Surveyors hereby issues the following Order:

1. Respondent consents to the terms and conditions of this Order and waives a public hearing.
2. Respondent agrees to have the subject plans reviewed and sealed by professional engineers registered in the state of Arkansas.
3. Respondent shall pay a \$1,000.00 civil penalty for each violation for a total of \$2,000.00.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS

BY:

  
Jim Engstrom, President

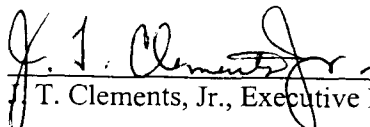
Dated:

10-7-03

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 by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 7th day of ~~September,~~ October, 2003, to:

HDC Engineering  
201 West Springfield  
Suite 300  
Champaign, IL 61824

  
J. T. Clements, Jr., Executive Director

2 7 M  
Thomas E. Harrington, Jr., Manager, HDC Engineering L.L.C.

David S. [Signature]  
RESPONDENT

Dated:

9/18/03

[Signature] 10/1/03  
JIM ENGSTROM, PRESIDENT

Melody D. Miller  
MELODY D. MILLER  
Assistant Attorney General

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 by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 8<sup>th</sup> day of ~~September~~, 2003:

*Answer*

HDC Engineering  
201 West Springfield  
Suite 300  
Champaign, IL 61824

[Signature]  
Mr. Joe Clements, Jr., Executive Director