

**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 #2013-02

HPD, LLC

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing on the above-referenced matter was held before the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (“the Board”) on March 11, 2014, in the River Room located in offices of the Arkansas Natural Resources Commission at 101 East Capital, Suite 350 in Little Rock, Arkansas.

Respondent HPD, LLC (hereinafter “Respondent”) appeared in person and was represented by counsel, Mr. Brian H. Ratcliff and Mr. Joel J. Rhiner. The Board was represented by Assistant Attorney General Brandon Robinson.

On the basis of the testimony of witnesses, exhibits and other evidence of record presented during the hearing, the Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

F1. At all times relevant to the complaint, the Respondent did not hold a valid Certificate of Authorization from the Board to offer or provide engineering services in Arkansas.

F2. On November 16, 2007, the Respondent entered into a contract with Tetra Technologies, Inc. (hereinafter "Tetra") with the purpose of among other things providing engineering services to Tetra for a manufacturing facility to be constructed and operated by Tetra in El Dorado, Arkansas. This document represents an offer by the Respondent to provide engineering services in Arkansas.

F3. The Respondent provided various instruments of engineering practice related to the design and construction of the manufacturing facility in El Dorado to Tetra dated as late as July 1, 2010. These documents provide evidence of an on-going pattern of the Respondent providing engineering services in Arkansas.

F4. The Respondent's parent company, Veolia Water Solutions & Technologies North America, Inc. obtained a Certificate of Authorization (AR-COA #2501) from the Board on December 10, 2012.

CONCLUSIONS OF LAW

C1. Arkansas Code Annotated §17-30-303 provides that it shall be unlawful for a firm without a valid Certificate of Authorization issued by the Board to offer or provide engineering services in Arkansas.

C2. Arkansas Code Annotated §17-30-101(3) defines firm as any form of business entity, except for an individual licensee operating under his or her own name.

C3. Under the authority of Arkansas Code Annotated §17-30-305(e), the Board may discipline non-licensees who violate any provision of the engineer law by imposing a fine in an amount not to exceed five thousand dollars (\$5,000) for each offense.


C4. The conduct of the Respondent, as set forth above in the Findings of Fact, constitutes the providing, or offering to provide, engineering services in Arkansas without holding a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-303.

ORDER

O1. Respondent HPD, LLC is hereby ordered to pay a civil penalty of Fifteen Hundred Dollars (\$1, 500.00) for the violation described above. The total civil penalty must be received by the Board within fifty (50) days of the service of this Order.

These Findings of Fact, Conclusions of Law, and Order constitute the final written decision of the Board in this matter, which may be appealed within thirty (30) days of service, as specified in the Arkansas Administrative Procedures Act, according to provisions of Arkansas Code Annotated §25-15-201, *et al.*

Dated this 14th of April, 2014



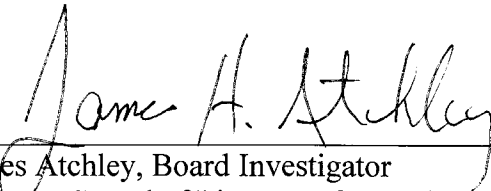
Steve Maralson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

Certificate of Service

I, James Atchley, investigator of the Arkansas Board of Licensure for Professional Engineers and Professional Surveyors, do hereby swear and affirm that a true and correct copy of the attached was sent by U.S. Mail to the following address with proper postage affixed on this 14th day of April, 2014, to:

Mr. Jim Brown, President
HPD, LLC
23562 West Main Street
Plainfield, IL 60544

Mr. Brian H. Ratcliff
Shackleford, Phillips & Ratcliff, PA
P.O. Box 1718
EL Dorado, AR 71731-1718



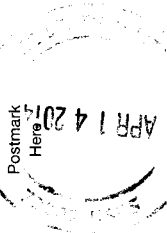
James Atchley, Board Investigator
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

HPD Final Order # 2013.02

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

OFFICIAL USE

Postage	\$ -48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.48



SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jim Brown, President
 HPD, LLC
 23562 West Main Street
 Plainfield, IL 60544

2. Article Number

(Transfer from service label)

7002 0510 0001 8880 1535

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-P-4081

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

7002 0510 0001 8880 1535

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

Renate Long

C. Date of Delivery

- D. Is delivery address different from item 1? Yes**
 if YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

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

OFFICIAL USE

Postage	\$ -48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.48



Sent To
 Street, Apt. No., or PO Box No. *Ratcliff*
 City, State, ZIP+4

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Brian H. Ratcliff
 Shackelford, Phillips & Ratcliff, PA
 P.O. Box 1718
 EL Dorado, AR 71731-1718

2. Article Number

(Transfer from service label)

7002 0510 0001 8880 1542

PS Form 3811, August 2001

Domestic Return Receipt

2ACPRI-03-P-4081

A. Signature

X *[Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

4-15-13

- D. Is delivery address different from item 1? Yes**
 if YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes