

REC'D JAN 4 2009

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

**Complainant:** )  
)  
Arkansas State Board of Licensure for )  
Professional Engineers and Professional )  
Land Surveyors )

**Case #2009-34**

**Respondents:** )  
)  
Kenneth Hemsworth )  
808 West Russell Road )  
Sidney, OH 45365 )

The Sponseller Group, Inc )  
~~1752 Valleyway Drive~~ 1600 TIMBER WOLF DRIVE  
~~Toledo, OH 43614~~ HOLLAND, OH 43528

**CONSENT AGREEMENT AND ORDER**

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter "the Board") and Kenneth S. Hemsworth (non-licensee, hereinafter "Hemsworth"), representing the Sponseller Group, Inc (hereinafter "Sponseller"), agree as follows in full settlement of the charges in this disciplinary matter.

**FINDINGS OF FACT**

1. At the time of the complaint, Hemsworth was not a registered Professional Engineer in Arkansas.
2. At the time of the complaint, Sponseller did not hold a valid Certificate of Authorization to offer or provide engineering services in Arkansas.

3. On October 10, 2009, the Board received an application from Hemsworth for Professional Engineering licensure by comity.

4. In the "NOTICE TO ALL APPLICANTS FOR REINSTATEMENT OR RECIPROCAL REGISTRATION" portion of the application, Hemsworth stated in response to Question #1: (The reason you wish to become registered in Arkansas) "Preparation of design and fabrication drawings for proposed structural supports, bins, chutes and material handling components to control dust/debris/air quality at Entergy Independence Plant."

5. In the "NOTICE TO ALL APPLICANTS FOR REINSTATEMENT OR RECIPROCAL REGISTRATION" portion of the application, Hemsworth stated in response to Question #4: (Status of plans or reports on any project in Arkansas for which you have been retained as the engineer) "Conceptual design & details in process"

#### **CONCLUSIONS OF LAW**

1. The conduct of Hemsworth, as set forth above in the Findings of Fact, constitutes one count of practicing or offering to practice engineering in Arkansas without being a licensee of the Board, in violation of Arkansas Code Annotated §17-30-102(b).

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

## **CONSENT AGREEMENT**

In the interest of a prompt and speedy settlement, consistent with the public interest and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of these matters presently before the Board.

1. The Respondents have been afforded an opportunity to obtain legal counsel and have chosen to proceed with the understanding that they are admitting the facts and conduct described above in the Findings of Fact.

2. In lieu of a formal hearing on these issues, the Respondents agree to issue of the following Order and waive all rights to a hearing, appeal or judicial review relating to the Order.

3. The Respondents understand that all investigative materials prepared or received by the Board concerning these allegations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter. The signed original of this document shall remain a public record in the custody of the Board, and shall be made available for public inspection and copying upon request.

## **ORDER**

1. Hemsworth shall pay a \$500.00 civil penalty for the violation noted in Item 1 of the Conclusions of Law as listed above. Payment shall be made to the Board within fifty (50) days of the date this Order is served.

2. Sponseller shall pay a \$500.00 civil penalty for the violation noted in Item 2 of the Conclusions of Law as listed above. Payment shall be made to the Board within fifty (50) days of the date this Order is served.

Agreed to by Sponseller: Keith A Sponseller

Date: 12-29-09

Agreed to by Hemsworth: W. Hemsworth

Date: 12/21/2009

Agreed to and Ordered by: Frank Zopf  
Board President

**CERTIFICATE OF SERVICE**

I, Steve W. Haralson, Executive Director of the Arkansas 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 14<sup>th</sup> day of January, 2010, to:

Mr. Keith A. Sponseller  
The Sponseller Group, Inc  
1600 Timberwolf Drive  
Holland, OH 43528-8303

Mr. Kenneth Hemsworth, PE  
808 West Russell Road  
Sidney, OH 45365-9063

A handwritten signature in black ink, appearing to read 'Steve W. Haralson', written over a horizontal line.

Steve W. Haralson  
Executive Director