

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

Case #2008-23, in the matter of Timothy Lemons:

COMPLAINT

The Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") received a complaint on June 19, 2008, charging Timothy Boyd Lemons (AR-PE #7373, hereinafter "Lemons") with negligence and/or incompetence in the practice of engineering, and collusion with another registrant to cover his malpractice.

FINDINGS OF FACT

1. Lemons is a Professional Engineer in Arkansas, and the Board has jurisdiction over the subject matter of this complaint.
2. A subdivision was constructed in Ward, AR. Lemons performed the engineering for the subdivision, and Steve Beadle (AR-PS #819) performed the surveying work.
3. The north boundary line of the platted subdivision encroached upon the adjoining property owner. A quiet title action was brought by the adjoining property owner, and the civil court ruled against him, in effect, finding that the survey used for the subdivision was not incorrect.
4. The subdivision project required a stormwater permit from ADEQ. The run-off control measures were reviewed by ADEQ and found acceptable enough that a permit was issued. No evidence to support the allegation of incompetence and/or negligence in this matter was found.

CONCLUSIONS OF LAW

Upon review of the evidence in its possession, the Board finds the allegation of negligence and/or incompetence in the practice of engineering to be unsupported by the Findings of Fact outlined above.

The allegation of collusion to cover the malpractice is therefore moot.

ORDER

Based on these findings, the complaint against Lemons is dismissed without further action by the Board.

SO ORDERED this 13th day of January, 2009

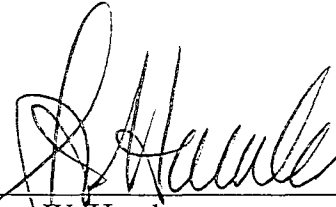
Bill Ruck

William E. Ruck, President

CERTIFICATE OF SERVICE

I, Steve W. Haralson, Executive Director of the Arkansas State Board of Registration for Professional Engineers and Land Surveyors, do hereby certify that I have served the attached order by mailing a copy of same, by first class mail, on this 16th day of January, 2009, to:

Mr. Timothy B. Lemons, PE
Lemons Engineering Consultants, Inc
204 Cherry Street
Cabot, AR 72023-2502



Steve W. Haralson
Executive Director