

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

**ARKANSAS STATE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND PROFESSIONAL  
LAND SURVEYORS**

**COMPLAINANT**

**Case #2009-27 and Case #2011-09**

**RAYBURN GAIL LINDSEY and  
DESIGN TECH ASSOCIATES**

**RESPONDENTS**

**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 13, 2012, at the office of the Board, 623 Woodlane Drive, Little Rock, Arkansas. Rayburn Gail Lindsey and Design Tech Associates, hereinafter referred to as “Respondents,” appeared in person before the Board. The Board was represented by Assistant Attorney General Brandon Robinson. On the basis of the testimony and other evidence presented, the Board makes the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

FF1. Respondent Lindsey is an architect licensed in Arkansas. Lindsey has never held licensure as a Professional Engineer in Arkansas.

FF2. Respondent Lindsey’s firm, Design Tech Associates has never held a valid Certificate of Authorization to offer or provide engineering services in Arkansas.

FF3. A set of plans to construct a union hall for the International Brotherhood of Electrical Workers was submitted for code review to the City of Jonesboro on September 29, 2009.

FF4. Jonesboro is located in Craighead County and the union hall is a public building or structure because it is intended for public use.

FF5. The set of plans submitted to the City of Jonesboro was sealed by Lindsey and used the title block for his firm, wherein civil, electrical, structural, mechanical, and plumbing engineering design was depicted on some of the plan sheets.

FF6. The civil and electrical plan sheets were sealed by appropriately licensed Professional Engineers. The plan sheets depicting structural, mechanical, and plumbing engineering work were not.

FF7. All of the engineering design work depicted on the plan sheets for the union hall was not incidental to the practice of architecture.

FF8. The engineering design work depicted on the structural plan sheets for the union hall were required to be designed by a professional engineer regardless of whether it was or could be considered as incidental to the practice of architecture.

### **CONCLUSIONS OF LAW**

CL1. Respondent Lindsey's conduct as outlined in paragraphs FF1-FF8 constitutes one count of practicing or offering to practice engineering in Arkansas, within the meaning of Arkansas Code Annotated §17-30-101(4)(B)(i), without licensure by the Board, in violation of Arkansas Code Annotated §17-30-301.

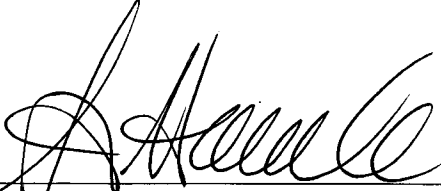
CL2. The conduct of Respondent Design Tech Associates as outlined in paragraphs FF1-FF8 constitutes one count of providing or offering to provide engineering services without a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-303.

**ORDER**

The Respondents are ordered to pay a \$500.00 civil penalty for each of the two above counts the Board found Respondents to be in violation of, for a total penalty of \$1,000.00. Payment of the civil penalty shall be made to the Board within fifty (50) days of service of this Order.

This Findings of Fact, Conclusions of Law, and Order constitutes the final written decision of the Board in this matter. In accordance with Arkansas Code Annotated § 25-15-212, the Respondents may petition for judicial review of the final written decision by filing a petition in the Circuit Court in the county in which they reside or do business or in the Circuit Court of Pulaski County within thirty days after service of the final order.

Dated this 6<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
Steve Haralson, Executive Director  
Arkansas Board of Licensure for Professional  
Engineers and Professional Surveyors

**Certificate of Service**

I, James Atchley, Board 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 above was sent by U.S. Mail to the following addresses with proper postage affixed on this 6th day of April, 2012.

**Mr. Rayburn Gail Lindsey**  
**Design Tech Associates**  
**318 Greene Road #792**  
**Paragould, AR 72450**

*James H. Atchley*  
 \_\_\_\_\_  
 James Atchley, Board Investigator  
 Arkansas Board of Licensure for Professional  
 Engineers and Professional Surveyors

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

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

**SENT TO:** \_\_\_\_\_

**1. Article Addressed to:**

- 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. Rayburn Gail Lindsey**  
**Design Tech Associates**  
**318 Greene Road #792**  
**Paragould, AR 72450**

**2. Article Number (Transfer from service label)** 7002 0510 0001 8880 1733  
**PS Form 3811, August 2001**

**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
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**4. Restricted Delivery? (Extra Fee)**  Yes  No

**A. Signature** *Ray Lindsey*

**B. Received by (Printed Name)** *RAY LINDSEY*

**C. Date of Delivery** *4-7-12*

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

**REC'D APR 10 2012**

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