

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

IN THE MATTER OF MICHAEL W. WEBB

CONSENT AGREEMENT

A complaint charging Michael W. Webb (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 ("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 a licensed professional engineer.
2. On or about March 3, 2003, Respondent applied for the position of City Engineer with the city of Cabot, Arkansas. In the process, Respondent submitted an application and resume which represented him as a registered Professional Engineer and listed him as P.E. #71384. (See Exhibits "A" and "B"). Further, Respondent provided a fictitious copy of a "Professional Engineer" certificate to support such representation. (See Exhibit "C")

II. Conclusions of Law

1. The conduct described in the Findings of Fact constitutes three violations of the statutory prohibition against practicing or offering to practice without a license pursuant to:

(A) Ark. Code Ann. §17-30-101 (4)(B)(ii)(By verbal claim, sign advertisement, letterhead, card, or in any other way represents himself or herself to be an engineer);

(B) Ark. Code Ann. §17-30-101(4)(B)(iii)(Through the use of some other title implies that he or she is an engineer or the he or she is registered under this chapter); and,

(C) Ark. Code Ann. §17-30-101(4)(B)(iv)(Holds himself or herself out as able to perform or does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering).

III. Consent

1. Respondent admits he committed errors as contained in the allegations 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 he has had the opportunity to consult legal counsel prior to entering this Consent Agreement.

5. Respondent understands this Consent Agreement is effective upon its acceptance by the Board.

Michael W. Well
RESPONDENT

Dated: 14 July 03.

Willard T. Reese
WILLARD REESE, PRESIDENT

Melody D. Miller
MELODY D. MILLER
Assistant Attorney General

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ORDER

In view of the Findings of Fact, Conclusions of Law and Consent of Michael W. Webb (hereinafter "Respondent") as stated in the Consent Agreement filed herein, the Arkansas Board of Professional Engineers and Land Surveyors issues the following Order:

1. Respondent consents to the terms and conditions of this Order and waives a public hearing.
2. Respondent shall pay a civil penalty of \$3,000.00 within twelve months from the effective date of this Order.

IT IS SO ORDERED.

ARKANSAS STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

By: Willard T. Reese

Willard Reese, President

Dated: July 16, 2003

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 22nd day of July, 2003, to:

Mr. Michael W. Webb
9 Beechwood Street
Cabot, AR 72023

J. T. Clements, Jr.
J. T. Clements, Jr., Executive Director