

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

In the Matter of Joseph Kula
Case #2024-1

CONSENT ORDER

The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors ("Board") and Joseph Kula ("Respondent") acknowledge the existence of controversy regarding whether Respondent has violated the Board's statutes and/or rules. The parties desire to avoid the uncertainties and costs of disputed and protracted administrative adjudication and litigation and enter into a Consent Order to resolve the pending controversy.

Respondent hereby represents and agrees:

- A. Respondent, having read the proposed Consent Order, acknowledges that he has the right to consult with counsel and approves this Consent Order on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than as expressly set forth herein.
- B. Upon entry of this Consent Order, Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.
- C. Respondent acknowledges that this agreement is subject to approval by the Board.

- D. Furthermore, Respondent agrees that should this Consent Order not be approved by the Board, the presentation and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members or Respondent from further participation, consideration, or resolution of the matters involved herein at any subsequent hearing.
- E. Respondent and the Board expressly acknowledge that this is an attempt to settle and resolve disputed claims and, should the Board decline to approve the Consent Order, neither Respondent nor the Board will have been deemed to waive any and all claims, rights or causes of action that either may have.
- F. Respondent understands and agrees that approval and entry of this Consent Order shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.
- G. Respondent understands and acknowledges that this Consent Order and the Board's records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, Ark. Code Ann. §§ 25-19-101, et seq.
- H. This agreement shall not become a valid and enforceable order of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Board's President or the President's designee.

FINDINGS OF FACT

1. On January 9, 2024, Respondent's Professional Engineer application was presented to the Board. Respondent's application stated he performed engineering projects for FERC Part 12D safety inspections for Clyde T Ellis and Carl S Willock Hydropower Development beginning March 2023. The Board voted to defer the PE application and refer the matter to the Complaint Committee for investigation into the practice of engineering without a license.
2. On January 12, 2024, Heather Richardson, the Executive Director for the Board filed a complaint against Respondent for unlicensed practice.
3. According to Respondent, on September 26, 2023, he became aware of the Board requirement to obtain an Arkansas Professional Engineering license prior to starting the project. Once the Respondent was aware of the requirement he ceased working on the project.

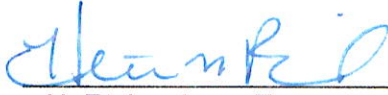
CONCLUSIONS OF LAW

4. Respondent's actions as described in Findings of Fact paragraph 1 & 3 constitutes a violation of Article 16(A)(1) of the Rules of the Board as well as a violation of Arkansas Code Annotated § 17-30-102(b)(1)


ORDER

For the violation described above, the Respondent is fined a civil penalty of \$500.00 to be paid within thirty (30) days of service of this Order

3/13/2024
Date


Heather N. Richardson, Executive Director
Arkansas State Board of Licensure
for Professional Engineers &
Professional Surveyors

3/13/2024
Date


Joseph R. Kula
Respondent