

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

In the Matter of Jason Appel
Case # 2023-19
Case # 2023-22

CONSENT ORDER

The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors (“Board”) and Jason Appel (“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. Respondent is licensed by this Board as a Professional Engineer.

2. On or about November 30, 2023, Heather Richardson, the Director for the Board, filed a complaint against Respondent. Heather Richardson's Complaint was based on information received from the Arkansas Department of Health (ADH) regarding Respondent's misuse of ADH approval stamps on certain engineering plans.
3. On or about November 2, 2023, Heath Ward, the Executive Director on behalf of the Springdale Water Utilities (SWU), filed a complaint against Respondent regarding Respondent's misuse of SWU approval stamps on certain engineering plans.
4. Respondent submitted numerous engineering plans to SWU and ADH for approval. SWU and ADH would place an approval stamp on the engineering plans that they approved.
5. After Respondent received the original approval stamp from SWU and ADH on the engineering project plans, Respondent digitally copied and pasted the SWU and ADH approval stamps on revised or updated plans.
6. Respondent's actions of copying and pasting the approval stamps on revised and updated plans occurred without the knowledge or consent of SWU or ADH.

CONCLUSIONS OF LAW

1. Respondent's actions as described in the Findings of Fact section constitutes a violation of Arkansas Code Annotated § 17-30-305(a)(1)(K).

ORDER

For the violation described above, the Respondent is:

(1) Fined a civil penalty of \$500 to be paid within thirty (30) days of service of this Order, and

(2) Ordered to complete six (6) hours of online engineering ethics courses.

The ethics courses are to be completed within six (6) months of entry of this Order. The six (6) hours of ethics courses do not count to

Respondent's annual continuing education requirements.

07/09/2024

Date

7.9.2024

Date



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



Jason Appel
Respondent