

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

**IN THE MATTER OF ROBERT D. FRENCH, P.L.S. #1363 D/B/A CENTRAL ARKANSAS
PROFESSIONAL SURVEYING**

CONSENT AGREEMENT

A complaint charging Robert D. French, PLS #1363 (hereinafter "Respondent"), with violations of the statute governing registered Land Surveyors in the State of Arkansas and the statute governing the practice of engineering, Ark. Code Ann. §17-48-101 *et. seq.*; and Ark. Code Ann. §17-30-101 *et. seq.*, has been received by the Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "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:

1. Respondent is a licensed professional land surveyor in the state of Arkansas.
2. Respondent is not now, nor has ever been at any time relevant hereto, been granted a Certificate of Authorization to offer professional engineering services in the state of Arkansas. Nor does it have an owner, officer or an employee who is a licensed professional engineer in Arkansas.
3. On or about January 17, 2002, Respondent prepared or caused to be prepared a set of plans for the Brownstone Subdivision, City of Conway, Arkansas, Phase 2, which contained seven (7) drawings, each of which displayed engineering work (see attachment "A" for the Title Block of sheet 1/7). Said drawings were provided to the City of Conway for approval. The drawings contain several instances of engineering work without the review and seal of an engineer registered by the Board. This conduct constitutes seven (7) violations of the statutory prohibition against practicing engineering without a license as described in Ark. Code Ann. §17-30-301 and as defined by Ark. Code Ann. §17-30-101(4)(A), (4)(B)(i), (ii) and (iv) and one violation of §17-30-303 (prohibits the practice of or offer to practice for

others, as defined in Ark. Code Ann. §17-30-101, by individuals through a corporation as officers, employees, or agents without the requisite certificate of authorization). Further, sheet 1/7, "Lot Plan" was not sealed or signed by the Respondent which constitutes one (1) violation of Ark. Code Ann. §17-48-105.

4. On or about April 25, 2002, Respondent prepared or caused to be prepared a set of plans for the Club Creek Subdivision, City of Conway, Arkansas, which contained ten (10) drawings, each of which displayed engineering work (see attachment "B" for the Title Block of sheet 1/10). Said drawings were provided to the City of Conway for approval. The drawings contain several instances of engineering work without the review and seal of an engineer registered by the Board with the exception of sheet 2/10 which is sealed and signed by David E. Hopkins, P.E. #10435. This conduct constitutes nine (9) violations of the statutory prohibition against practicing engineering without a license as described in Ark. Code Ann. §17-30-301 and as defined by Ark. Code Ann. §17-30-101(4)(A), (4)(B)(i), (ii) and (iv) and one violation of §17-30-303 (prohibits the practice of or offer to practice for others, as defined in Ark. Code Ann. §17-30-101, by individuals through a corporation as officers, employees, or agents without the requisite certificate of authorization).

5. On or about May 31, 2002, Respondent prepared or caused to be prepared a set of plans for The Grove at Centennial Subdivision, City of Conway, Arkansas, which contained five (5) drawings, each of which displayed engineering work (see attachment "C" for the Title Block of sheet 1/5). Said drawings were provided to the City of Conway for approval. The drawings contain several instances of engineering work without the review and seal of an engineer registered by the Board. This conduct constitutes five (5) violations of the statutory prohibition against practicing engineering without a license as described in Ark. Code Ann. §17-30-301 and as defined by Ark. Code Ann. §17-30-101(4)(A), (4)(B)(i), (ii) and (iv) and one violation of §17-30-303 (prohibits the practice of or offer to practice for others, as defined in Ark. Code Ann. §17-30-101, by individuals through a corporation as officers, employees, or agents without the requisite certificate of authorization). Further, sheet 1/5, "Lot Plan" was not sealed or signed by the Respondent which constitutes one (1) violation of Ark. Code Ann. §17-48-105.

6. On or about June 18, 2003, Respondent prepared or caused to be prepared a set of plans for Hudson Cove Subdivision, City of Conway, Arkansas, which contained six (6) drawings, each of which displayed engineering work (see attachment "D" for the Title Block of sheet 1/6). Said drawings were provided to the City of Conway for approval. The drawings contain several instances of engineering work without the review and seal of an engineer registered by the Board. This conduct constitutes five (5) violations of the statutory prohibition against practicing engineering without a license as described in Ark. Code Ann. §17-30-301 and as defined by Ark. Code Ann. §17-30-101(4)(A), (4)(B)(i), (ii) and (iv) and one violation of §17-30-303 (prohibits the practice of or offer to practice for others, as defined in Ark. Code Ann. §17-30-101, by individuals through a corporation as officers, employees, or agents without the requisite certificate of authorization). Further, sheet 1/6, "Lot Plan" was not sealed or signed by the Respondent which constitutes one (1) violation of Ark. Code Ann. §17-48-105.

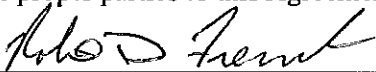
7. On or about August 26, 2003, Respondent prepared or caused to be prepared a set of plans for Bristol Cove Subdivision, City of Conway, Arkansas, which contained four (4) drawings, each of which displayed engineering work (see attachment "E" for the Title Block of sheet 1/4). Said drawings were provided to the City of Conway for approval. The drawings contain several instances of engineering work without the review and seal of an engineer registered by the Board with the exception of sheet 2/4 which is sealed and signed by Peyton C. Lasiter, P.E. #7169. This conduct constitutes three (3) violations of the statutory prohibition against practicing engineering without a license as described in Ark. Code Ann. §17-30-301 and as defined by Ark. Code Ann. §17-30-101(4)(A), (4)(B)(i), (ii) and (iv) and one violation of §17-30-303 (prohibits the practice of or offer to practice for others, as defined in Ark. Code Ann. §17-30-101, by individuals through a corporation as officers, employees, or agents without the requisite certificate of authorization).

CONCLUSIONS OF LAW

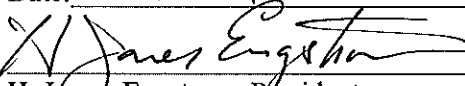
The actions cited in the Findings of Fact constitute the violation of Ark. Code Ann. §17-30-101 *et. seq.*; and Ark. Code Ann. §17-48-101 *et. seq.*.

CONSENT

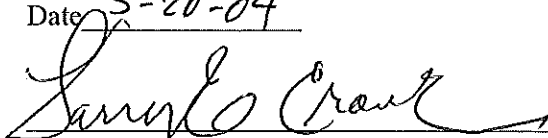
1. Respondent admits the allegations contained in the Board's Findings of Fact and Conclusions of Law.
2. In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, appeal or judicial review relating to the Order.
3. Respondent 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 understands that those admissions are conclusive evidence of a prior violation of the rules and regulations governing registered land surveyors in the State and may be used for purposes of determining sanctions in any future disciplinary matter.
5. Respondent acknowledges that he has consulted legal counsel prior to entering this Consent Agreement.
6. Respondent understands that this Consent Agreement was accepted by the Board on April 6, 2004, and is effective upon signatures of the proper parties to this Agreement.



RESPONDENT

Date: 5-17-04


H. James Engstrom, President
Arkansas Board of Registration for
Professional Engineers and Land Surveyors

Date: 5-20-04


Larry E. Crane, AB# 75023
Assistant Attorney General

ORDER

In view of the Findings of Fact, Conclusions of Law and the Consent of the Respondent as stated in the Consent Agreement filed herein, the Board hereby issues the following Order:

- 1. It is ordered that Respondent pay a civil penalty of \$875.00, to be paid in full ninety (30) days from the effective date of this Consent Agreement.

H. James Engstrom, President
Arkansas Board of Registration for
Professional Engineers and Land Surveyors

Date 5-20-04

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 order by mailing a copy of same, by certified mail, with return receipt requested and postage prepaid, on this 21st day of May, 2004, to:

Robert D. French, P.L.S. #1363
P.O. Box 298
Conway, AR 72033

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

7002 0510 0001 8880 0668

PS Form 3800, January 2001 Sent To Street, Apt. No., or PO Box No. PO BOX 298 City, State, ZIP+4 CONWAY, AR 72033	Postage \$.37 Certified Fee \$ 2.30 Return Receipt Fee (Endorsement Required) 1.75 Restricted Delivery Fee (Endorsement Required)	SENDER: COMPLETE THIS SECTION 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.	COMPLETE THIS SECTION ON DELIVERY A. Signature <input checked="" type="checkbox"/> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) Robert French C. Date of Delivery 5/26/04 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	Total Postage & Fees \$ 4.42 \$ 4.42 = 4.42	1. Article Addressed to: MR. ROBERT D. FRENCH, PLS 1363 PO BOX 298 CONWAY, AR 72033 REC'D MAY 27 2004 <i>Pl 1 Jun 04</i>	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.

2. Article Number (Transfer from service label) **7002 0510 0001 8880 0668**