

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

Case #2008-14, in the matter of David Mattes and Hoffman, Inc:

CONSENT AGREEMENT AND ORDER

The Arkansas Board of Registration for Professional Engineers and Land Surveyors (hereinafter "the Board") and David Carl Mattes (non-registrant, hereinafter "Mattes"), and Hoffman, Inc (non-registrant, hereinafter "Hoffman") agree as follows in full settlement of the charges in this disciplinary matter.

FINDINGS OF FACT

1. At the time of the complaint, the Mattes was not a registered Professional Engineer in Arkansas.
2. At the time of the complaint, Hoffman did not hold a valid Certificate of Authorization to offer engineering services in Arkansas.
3. On January 5, 2008, the Board received an application from Mattes for Professional Engineering registration by reciprocity.
4. In the "NOTICE TO ALL APPLICANTS FOR REINSTATEMENT OR RECIPROCAL REGISTRATION" portion of the application, the Respondent stated in response to Question #1: (The reason you wish to become registered in Arkansas) "Hoffman, Inc has just been given a contract to design and supply 4 steel stacks for Lockwood Greene. The job site is LM Glasfiber in Little Rock . . ."

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5. In the "NOTICE TO ALL APPLICANTS FOR REINSTATEMENT OR RECIPROCAL REGISTRATION" portion of the application, the Respondent stated in response to Question #4: (Status of plans or reports on any project in Arkansas for which you have been retained as the engineer) " Hoffman, Inc has not supplied plans or report in the state of Arkansas to this point. We have only provided preliminary engineering to the customer for cost estimates."

6. Information provided by Hoffman in response to inquiries indicates that the decision for Mattes to become licensed in Arkansas was at the direction of Hoffman rather than the decision of Mattes.

CONCLUSIONS OF LAW

1. Although the conduct of Mattes in submitting an application after Hoffman had executed a contract to provide engineering services likely constitutes a violation, it was determined that the company's explanation for Mattes' action mitigated any sanctions against Mattes individually.

2. The conduct of Hoffman, as set forth above in the Findings of Fact, constitutes one count of offering engineering services without a valid Certificate of Authorization, in violation of ACA §17-30-303.

CONSENT AGREEMENT

In the interest of a prompt and speedy settlement, consistent with the public interest and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of these matters presently before the Board.

1. Hoffman has been afforded an opportunity to obtain legal counsel and has chosen to proceed with the understanding that it is admitting the facts and conduct described above in the Findings of Fact.

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2. In lieu of a formal hearing on these issues, Hoffman agrees to issue of the following Order and waives all rights to a hearing, appeal or judicial review relating to the Order.

3. Hoffman understands that all investigative materials prepared or received by the Board concerning these allegations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

ORDER

In view of the Findings of Fact, Conclusions of Law, and the Consent Agreement above, it is ordered that Hoffman pay a civil penalty of \$500 to the Board within fifty (50) days of the date this Order is served.

The complaint against Mattes individually is dismissed with prejudice by the Board.

AGREED TO BY: Larry L. Emmert - Pres.
On behalf of Hoffman

Sworn to and subscribed before me this 9th day of December, 2008



James A. Barry
Notary Public

My commission expires: 4-18-09

AGREED TO AND ORDERED BY: _____
Board President

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