

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

IN THE MATTER OF JONES ENGINEERING, INC.

CONSENT ORDER

The Arkansas State Board of Licensure for Professional Engineers & Professional Surveyors ("Board") and Jones Engineering, Inc. ("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 expressly denies any violation or wrongdoing.

Respondent, through its President and majority shareholder Edmond E. Jones, hereby represents and agrees:

- A. Respondent, having read the proposed Consent Order, acknowledges that it has consulted with counsel and approves this Consent Order on its 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. Jones Engineering, Inc. ("Respondent") is in the business of installing and servicing HVAC and electrical systems.

2. Edmond E. Jones is the President and majority shareholder of Respondent. Mr. Jones is not a licensed professional engineer, and Respondent does not employ a licensed professional engineer.
3. Respondent is registered with the Arkansas Secretary of State as "Jones Engineering, Inc." and has been so registered since July 14, 1994. At the time of registering the corporation, certain statutory provisions now codified as Ark. Code Ann. § 17-30-303(g) and (h) had not become effective. Respondent has two (2) fictitious names, Jones Electrical and Jones Heating and Air Conditioning, registered with the Secretary of State.
4. Respondent first came to the Board's attention in November 2017. Board staff suggested that Respondent change its registered name by amending its Articles of Incorporation with the Secretary of State.
5. Respondent found it would be unduly burdensome to amend its Articles of Incorporation and change its registered name.
6. Mr. Jones is elderly, is in poor health, and is actively trying to sell Respondent.

CONCLUSIONS OF LAW

7. Arkansas Code Annotated § 17-30-301 states that a person shall not offer to practice engineering unless that person is a licensed engineer. Under Ark. Code Ann. § 17-30-101(4)(B), a person practices or offers to practice engineering who:
 - (ii) By verbal claim, sign advertisement, letterhead, card, or in any other way represents himself or herself to be an engineer;

(iii) Through the use of some other title implies that he or she is an engineer or that he or she is licensed under this chapter; or

(iv) Holds himself or herself out as able to perform or does perform an engineering service or work or any other service designated by the practitioner that is recognized as engineering.

8. Arkansas Code Annotated § 17-30-303(g) and (h) read as follows:

(g)(1) The Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm that includes among the objectives for which it is established any of the words "engineer", "engineering", or any modification or derivation thereof unless the board of licensure for this profession has issued for the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive such a certificate.

(2) The firm applying shall supply such a certificate or letter from the board with its application for incorporation or registration.

(h) The Secretary of State shall decline to register any trade name or service mark that includes words as set forth in subsection (g) of this section or modifications or derivatives thereof in its firm name or logos except those firms holding authorization certificates issued under this section.

The parties acknowledge that the effective date of the aforesaid provision was August 13, 1994.

ORDER

In consideration for the assurances made herein, the parties agree that:

1. Until April 1, 2020, Respondent may continue to maintain the registered name of "Jones Engineering, Inc." with the Arkansas Secretary of State.

2. Respondent shall cease and desist from using the name "Jones Engineering, Inc." or "Jones Engineering" in any print, television, or radio advertisements or on any websites. The Board understands that website information that has been cached cannot be removed from the Internet and will not hold the Respondent responsible for cached Internet information.

3. Respondent will not enter into any new contracts, including but not limited to contracts for its services, under the name "Jones Engineering, Inc." Respondent may enter into new contracts, including but not limited to contracts for its services, under either of its two fictitious names or any other business name that does not refer to or include "engineer" or "engineering."

4. Until April 1, 2020, Respondent may continue to use the name Jones Engineering, Inc. or Jones Engineering for the following purposes: to renew contracts such as insurance contracts and business leases that are already in existence on the effective date of this Consent Order; for federal, state, and local tax purposes; for payroll purposes; for banking and other financial transactions; for regulatory purposes; or for any other purposes agreed to in writing by the Board.

5. No later than April 1, 2020, Respondent shall have ceased entirely to use the name "Jones Engineering, Inc." or "Jones Engineering."

6. No later than April 1, 2020, Respondent shall have either amended its Articles of Incorporation to change the name of "Jones Engineering, Inc." to a name that does not incorporate or refer to engineering, or it shall have filed Articles of Dissolution with the Ark. Secretary of State terminating its registration, or it shall have not renewed its registration with the Secretary of State;

7. If Respondent complies in full with this Consent Order, the Board will not pursue regulatory action against Respondent.

8. The Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Agreement.

9. This Consent Order constitutes the entirety of the agreement between the parties and neither party has relied upon or been induced to execute the agreement by any promises or other terms and conditions not expressly set forth herein.

07/19/2018
Date

Rodney D. Williams
Dr. Rodney D. Williams, Vice-President
Arkansas State Board of Licensure for
Professional Engineers & Professional
Surveyors

July 18, 2018
Date

Edmond E. Jones
Edmond E. Jones, President
Jones Engineering, Inc.

7/18/18
Date

Richard Dahlgren
Richard Dahlgren
Attorney for Respondent