

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

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

COMPLAINANT

Case #2009-28

**MICHAEL F. SAPP
ENVIRONS ARCHITECTS/PLANNERS**

RESPONDENTS

CONSENT AGREEMENT AND ORDER

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter "the Board") and Michael F. Sapp (non-licensee, hereinafter "Sapp"), representing Environs Architects/Planners (hereinafter "Environs"), acknowledge the existence of a controversy, and 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 as set forth herein.

1. The Respondents have been afforded an opportunity to obtain legal counsel and have chosen to proceed with the understanding that they are admitting the facts and conduct described in the Findings of Fact herein. Respondents have read this Order, acknowledge and enter into this Consent Agreement freely and voluntarily without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than expressly set forth herein.

2. Respondents hereby waive 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 these proceedings or this Consent Agreement.

3. Respondents execute this Consent Agreement for the purpose of resolving the pending matter without further administrative action. In this regard, Respondents agree that the Board will review and determine whether to approve this Consent Agreement. Furthermore, should this Consent Agreement not be approved by the Board, Respondents agree that the presentation and consideration of this Consent Agreement by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in, consideration, or resolution of the matters set forth herein at any subsequent hearing.

4. Respondents understand and agree that approval and entry of this Consent Agreement shall not preclude additional proceedings by the Board against Respondents for acts or omissions not specifically addressed herein.

5. Respondents understand and acknowledge that this Consent Agreement and the Board's records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, A.C.A. §25-19-101 et seq. and subject to the exceptions thereto.

6. This agreement shall not become a valid and enforceable order of this Board unless and until it is accepted and approved by the Board at an official meeting and executed by the President of the Board or his designee.

FINDINGS OF FACT

By agreement of the parties and based upon the documents and all other information presented to the Board at the meeting, the Board makes the following Findings of Fact, Conclusions of Law and Order:

7. At the time of the complaint, Sapp was not a registered Professional Engineer in Arkansas.
8. At the time of the complaint, Environs did not hold a valid Certificate of Authorization to offer or provide engineering services in Arkansas.
9. A set of plans to construct a multi-story hotel called "Candlewood Suites" was submitted for code review to the City of Jonesboro.
10. The set of plans submitted to the City of Jonesboro was sealed by Sapp and on the CAD layout for Environs, wherein structural, mechanical, and electrical engineering work is depicted, but no engineering seals were found.

CONCLUSIONS OF LAW

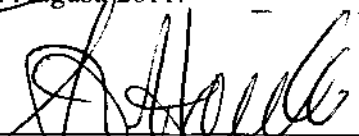
11. The conduct of Sapp, as set forth above in the Findings of Fact, constitutes one count of practicing or offering to practice engineering in Arkansas, within the meaning of Arkansas Code Annotated §17-30-101(4)(B)(i), without licensure by the Board, in violation of Arkansas Code Annotated §17-30-301.
12. The conduct of Environs, as set forth above in the Findings of Fact, constitutes one count of providing or offering to provide engineering services without holding a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-303.

ORDER

Sapp shall pay a civil penalty in the amount of \$1,000.00 within fifty (50) days of the date this Order is served.

Environs shall pay a civil penalty in the amount of \$1,000.00 civil penalty within fifty (50) days of the date this Order is served.

IT IS SO ORDERED this 10th ^{November} day of ~~August~~, 2011.

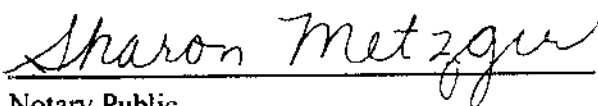


Steve W. Haralson, Executive Director
Arkansas Board of Licensure for Professional
Engineers and Professional Surveyors

AGREED TO BY: 

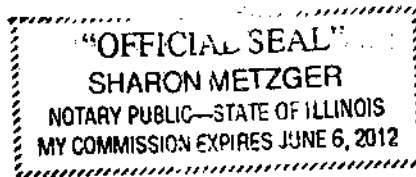
Signature of the Respondent

Sworn to and subscribed before me this 26th day of SEPT., 2011



Notary Public

My commission expires: June 6, 2012



CERTIFICATE OF SERVICE

I, James Atchley, Board Investigator for the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, do hereby certify that I have served a copy of the attached order by mailing copies of same, by first class mail and certified mail, with return receipt requested and postage prepaid, on this 14th day of November, 2011, to:

Mr. Michael Francis Sapp
 Environs Architects/Planners, Inc
 6201 West Main Street
 Maryville, IL 62062

James H. Atchley

 James Atchley, Board Investigator

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

Postage \$ 6.97

Certified Fee 2.85

Return Receipt Fee (Endorsement Required) 2.30

Restricted Delivery Fee (Endorsement Required) 5.29

Total Postage & Fees \$ 5.29

Sent To: SAPP

Street, Apt. No. or PO Box No. _____
 City, State, ZIP+4 _____

Postmark: **LITTLE ROCK AR ST CAPITOL STA NOV 14 2011**

USPS

7002 0520 0001 8878 6689

1. Article Addressed to:

Mr. Michael Francis Sapp
 Environs Architects/Planners, Inc
 6201 West Main Street
 Maryville, IL 62062

2. Article Number (Required from 11/1/11) 7002 0520 0001 8878 6689

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

5. Signature Michael Sapp Agent Addressee

6. Received by (Printed Name) MICHAEL SAPP **7. Date of Delivery** 11/14/11

8. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

RECD NOV 20 2011

9. 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 mailpieces, or on the front if space permits.

10. Article Addressed to:

Mr. Michael Francis Sapp
 Environs Architects/Planners, Inc
 6201 West Main Street
 Maryville, IL 62062

11. Article Number (Required from 11/1/11) 7002 0520 0001 8878 6689

12. Postmark (Required from 11/1/11) 7002 0520 0001 8878 6689

13. Date of Delivery 11/14/11