

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

**IN THE MATTER OF:
ROBERT AMERICA, UNLICENSED**

CASE NO.# 2024-19

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors (“the Board”) held a hearing on June 17, 2025, to determine whether Robert America, Unlicensed (“Respondent Robert America”) violated Ark. Code Annotated §17-30-101 et seq. or the Rules of the Board. The Board was represented by Assistant Attorney General Sarah DeBusk-Griffith. Respondent Robert America failed to appear despite being provided with Notice of Hearing. Based on the evidence presented, the Board finds as follows:

FINDINGS OF FACT

1. Respondent Robert America does not hold a license with the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors. Respondent Robert America did not hold a license at the time these allegations occurred.
2. Respondent Robert America works for Archetype Fabricators, LLC, DBA Archetype Canopies located in Tulsa, Oklahoma.
3. A complaint was filed against Respondent Robert America by Complainant Katherine Wilczek (“Ms. Wilczek” or “Complainant”). Ms. Wilczek is the Director of Structural Engineering at Cyntergy Engineering located in Tulsa,

Oklahoma. Ms. Wilczek holds a Professional Engineer license with the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors.

4. Cyntergy Engineering contracted with Archetype Canopies to provide engineering for canopies on ten (10) parking decks on the Walmart main campus in Bentonville, Arkansas. Archetype Canopies was to provide the drafting and Cyntergy would provide the engineering review of the drawings, along with seal and signature when complete.
5. Cyntergy and Archetype Canopies completed six (6) out of the ten (10) decks in the Spring of 2023. Ms. Wilczek affixed her signature and seal to the six (6) drawings that she approved. There was no longer an active contract between Cyntergy and Archetype Canopies for the remainder of the four (4) decks. Ms. Wilczek did not perform an engineering review of the last four (4) decks.
6. Complaint Wilczek was contacted by the general contractor for the Walmart campus, FlintCo Construction, due to an issue with a canopy that was located on deck four (4). Ms. Wilczek had not seen the drawing for this deck or three (3) other decks. Ms. Wilczek was provided the drawings for all four (4) remaining decks. These drawings were for decks Deck 04, Deck 08, Deck 09, and Deck 01. The drawings for Deck 04, Deck 08, Deck 09, and Deck 01 had Ms. Wilczek's signature and seal on the drawings. However, Ms. Wilczek did not review, sign, or seal those drawings. Ms. Wilczek was unaware that her seal and signature had been used until contacted by FlintCo Construction.
7. Respondent Robert America affixed the Complainant's Katherine Wilczek engineering seal and signature on Walmart Campus Parking Deck 04, Zone 1

Shop Drawings. The seal and signature showed the date March 9, 2023

Respondent Robert America affixed a professional engineer seal and signature to the drawings that had not been prepared by the Complainant, as required by law.

8. Respondent Robert America affixed the Complainant's Katherine Wilczek engineering seal and signature on Walmart Campus Parking Deck 08, Zone 4 Shop Drawings. The seal and signature showed the date March 30, 2023.

Respondent Robert America affixed a professional engineer signature to the drawings that had not been prepared by the Complainant, as required by law.

9. Respondent Robert America affixed the Complainant's Katherine Wilczek engineering seal and signature on Walmart Campus Parking Deck 09, Zone 4 Shop Drawings. The seal and signature showed the date April 11, 2023.

Respondent Robert America affixed a professional engineer seal and signature to the drawings that had not been prepared by the Complainant, as required by law.

10. Respondent Robert America affixed the Complainant's Katherine Wilczek engineering seal and signature on Walmart Campus Parking Deck 01, Zone 1 Shop Drawings. The seal and signature showed the date April 13, 2023.

Respondent Robert America affixed a professional engineer seal and signature to the drawings that had not been prepared by the Complainant, as required by law.

11. Respondent Robert America admits to affixing the Complaint's engineering stamp to the drawings for Deck 04, Deck 08, Deck 09, and Deck 01. Respondent alleges that it occurred when duplicating copies of the previous drawings that the Complainant had affixed her stamp. Respondent alleges it was a "save as" error.

CONCLUSIONS OF LAW

12. Respondent Robert America actions were proven true in the Findings of Fact 1-7 and 11 violates Ark. Code Ann. §17-30-305(a)(1)(J), "Signing, affixing the professional engineer's seal, or permitting the professional engineer's seal or signature to be affixed to an instrument of practice that has not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control." Respondent affixed Katherine Wilczek engineering seal and signature to the Walmart Campus Parking Deck 04, Zone 1 Shop Drawings that had not been prepared by her.
13. Respondent Robert America actions were proven true in the Findings of Fact 1-6, 8, 11 violates Ark. Code Ann. §17-30-305(a)(1)(J), "Signing, affixing the professional engineer's seal, or permitting the professional engineer's seal or signature to be affixed to an instrument of practice that has not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control." Respondent affixed Katherine Wilczek signature to the Walmart Campus Parking Deck 08, Zone 4 Shop Drawings that had not been prepared by her.
14. Respondent Robert America actions were proven true in the Findings of Fact 1-6, 9, 11 violates Ark. Code Ann. §17-30-305(a)(1)(J), "Signing, affixing the professional engineer's seal, or permitting the professional engineer's seal or signature to be affixed to an instrument of practice that has not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control." Respondent affixed Katherine Wilczek

engineering seal and signature to the Walmart Campus Parking Deck 09, Zone 4 Shop Drawings that had not been prepared by her.

15. Respondent Robert America actions were proven true in the Findings of Fact 1-6, 10, 11 violates Ark. Code Ann. §17-30-305(a)(1)(J), "Signing, affixing the professional engineer's seal, or permitting the professional engineer's seal or signature to be affixed to an instrument of practice that has not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision or control." Respondent affixed Katherine Wilczek engineering seal and signature to the Walmart Campus Parking Deck 01, Zone 1 Shop Drawings that had not been prepared by her.
16. Under Arkansas Code Annotated §17-30-305(e), the Board may discipline non licenses that violate this chapter by imposing a fine of not more than five thousand dollars (\$5,000.00) for each offense.

BOARD'S ORDER

For the violations set out above in Conclusions of Law, and adopted by the Board and described herein, the Board imposes the following penalties:

- A. For the violations proven as correct in the Conclusions of Law, Respondent Robert America shall pay a monetary penalty of \$5,000.00 for each of the violations for a total monetary penalty of \$20,000.00
- B. Payment of the \$20,000.00 penalty shall be made to the Board within ninety (90) days from entry of this Order.

Pursuant to Ark. Code Ann. §25-15-212, Respondent Robert America may petition for judicial review of this decision by filing a petition in the circuit court of Pulaski County, Arkansas within thirty (30) days after the service of this Order.

IT IS SO ORDERED THIS 18th day of June, 2025.

Arkansas State Board of Licensure for
Professional Engineers and Professional
Surveyors

By: David B. Beasley
David Beasley, PhD, P.E.
President