

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

**Complainant:** )  
)  
Arkansas State Board of Licensure for )  
Professional Engineers and Professional )  
Surveyors )  
)  
)  
**Respondent:** )  
)  
Aaron Robert Burroughs, PE )  
A.B. Engineering, Inc. )  
3634 Central Avenue, Suite A )  
Hot Springs, AR 71913 )  
)  
)

REC'D OCT 28 2013

Case #2013-07

**CONSENT AGREEMENT AND ORDER**

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter "the Board") and Aaron Robert Burroughs, (hereinafter "Respondent") agree as follows in full settlement of the charges in this matter.

**ALLEGATIONS OF FACT**

F1. The Respondent received licensure as a Professional Engineer in Arkansas on June 15, 2010, and the Board has jurisdiction over his conduct.

F2. At all times relevant, the Respondent was not licensed as a Professional Surveyor in Arkansas.

F3. At all times relevant, the Respondent's firm had no Professional Surveyor, and was not authorized to offer or provide land surveying services in Arkansas.

F4. On February 28, 2013, the Respondent Douglas Fellenz (“Fellenz”), E.I., an employee of Respondent, sent Shawn Brees, PLS, a plat for a survey of a parcel in Hot Springs, AR on which the Landmark Building was situated. The survey plat was generated on the title block for the Respondent’s firm, and bore the seal of the Respondent’s Certificate of Authorization.

F5. On March 14, 2013, the Respondent issued a plat of a 15-foot utility easement to serve the Rock Creek Road project in Hot Springs, AR. The survey plat was generated on the title block of the Respondent’s firm, and bore the Professional Engineer seal of the Respondent and the Certificate of Authorization seal of the Respondent’s firm.

F6. On January 13, 2013, the Respondent issued a plat for a retracement survey for a parcel of land on which the Shiloh Health and Rehabilitation Center was situated in Springdale, Arkansas. The survey plat was generated on the title block of the Respondent’s firm, and bore the Certificate of Authorization seal of the Respondent’s firm. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone’s firm. It is undisputed that Patrick Malone was not aware of this survey and did not participate in the survey. Fellenz placed the seals of Malone on the surveys without the knowledge or authorization of Respondent.

F7. On January 13, 2013, the Respondent issued a plat for a retracement survey for an undeveloped parcel of land located in Centerton, Arkansas. The survey plat was generated on the title block of the Respondent’s firm, and bore the Certificate of Authorization seal of the Respondent’s firm. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone’s firm. It is undisputed that Patrick Malone was not aware of this survey and did not participate in

this survey. Fellenz placed the seals of Malone on the surveys without the knowledge or authorization of Respondent.

F8. On January 13, 2013, the Respondent issued a plat for a boundary survey for a parcel of land on which the Jamestown Nursing and Rehabilitation Center was situated in Rogers, Arkansas. The survey plat was generated on the title block of the Respondent's firm, and bore the Certificate of Authorization seal of the Respondent's firm. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone's firm. It is undisputed that Patrick Malone was not aware of this survey and did not participate in this survey. Fellenz placed the seals of Malone on the surveys without the knowledge or authorization of Respondent.

F9. On January 13, 2013, the Respondent issued a plat for a retracement survey for a parcel of land on which the Ashton Place Health and Rehabilitation Center was situated in Barling, Arkansas. The survey plat was generated on the title block of the Respondent's firm, and bore the Certificate of Authorization seal of the Respondent's firm. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone's firm. It is undisputed that Patrick Malone was not aware of this survey and did not participate in this survey. Fellenz placed the seals of Malone on the surveys without the knowledge or authorization of Respondent.

F10. On July 19, 2013, the Board staff downloaded pages from the website of the Respondent's firm for seven projects for which the firm claimed unqualified credit. These seven projects were designed by B & F Engineering, for B & F clients. It is false and misleading to advertise those projects as being past projects of the Respondent's firm.

## CHARGES

C1. The Respondent's conduct, as outlined in paragraphs F1-F10, may constitute two counts of the unlicensed practice of surveying, in violation of Arkansas Code Annotated §17-48-201(a)(1).

C2. The Respondent's conduct, as outlined in paragraphs F1-F10, may constitute six counts of offering or providing surveying services in Arkansas without a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-48-207(a).

C3. The Respondent's conduct, as outlined in paragraphs F1-F10, may constitute seven counts of false or misleading advertising, in violation of Article 22 of the Rules of the Board.

## 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. The Respondent has consulted with legal counsel concerning the advisability, meaning and effect of this Consent Agreement and has chosen to proceed with it in lieu of a formal hearing.

2. The Respondent agrees to the following Order and waives all rights to a hearing, appeal or judicial review relating to the Order. Respondent acknowledges that this Consent Agreement and Order is not effective until accepted by the full Board.

3. It is acknowledged that neither the acceptance of this Order by Respondent nor the payment pursuant to it shall be deemed an admission of the above Allegations of Fact and Charges.

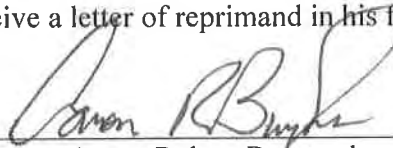
4. The Respondent agrees that the Board shall retain jurisdiction to enforce the provisions of this Consent Agreement and Order and that failure to comply with the terms and conditions herein shall be grounds for further disciplinary actions in the form of a civil penalty and/or suspension or revocation of Respondent's license, registration or permit.

5. The Respondent 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**

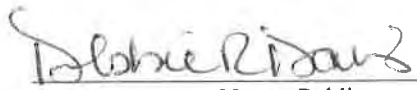
The Respondent, Aaron Robert Burroughs, shall pay to the Board the amount of Two Thousand Dollars (\$2,000). This total sum shall be paid within fifty (50) days of service of this Order and Respondent shall receive a letter of reprimand in his file.

AGREED TO BY:

  
\_\_\_\_\_  
Aaron Robert Burroughs

Sworn to and subscribed before me this 4<sup>th</sup> day of October, 2013

Debbie R. Davis  
Notary Public - State of Arkansas  
(SEAL)  
Garland County  
Expiration Date June 1, 2014

  
\_\_\_\_\_  
Notary Public

My commission expires: 6-1-2014

AGREED TO AND ORDERED BY:

  
\_\_\_\_\_  
Steve Haralson, Executive Director  
Arkansas Board of Licensure for Professional  
Engineers and Professional Surveyors