

**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

Case #2009-40

**Respondent:**

Mr. Robert Driggers  
Energy Smart Corporation  
P.O. Box 22084  
Hot Springs, AR 71903

**DISCIPLINARY HEARING**

On March 30, 2010, the Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter “the Board”) held a formal hearing to consider the referenced matter. Finding proper notice had been given the Respondent, and after considering all evidence presented, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1. The Board has jurisdiction over the Respondent and the subject matter of this complaint.
2. The Respondent does not now, nor has he ever, held Professional Engineer licensure in Arkansas.
3. The Respondent’s firm does not now, nor has it ever, held a valid Certificate of Authorization to offer engineering or surveying services in Arkansas.
4. The Respondent and his firm were retained by Maverick USA, Inc (“Maverick”). As a part of his work for Maverick, the Respondent performed a load analysis of the primary transformers serving the Maverick facility and concluded the

transformers were over-sized, leading Maverick to bring a rate case against First Electric Cooperative before the Arkansas Public Service Commission.

5. On April 9, 2009, the Respondent gave testimony before an administrative law judge in a rate case before the Arkansas Public Service Commission. When asked by the administrative law judge whether he was an electrical engineer, the Respondent answered "I am considered an electrical engineer. I am not a registered professional, though."

6. During his testimony on April 9, 2009, the Respondent gave expert testimony regarding the sizing of the primary transformer installed to serve Maverick's facility, concluding it failed to meet "prudent engineering practices," or even "good engineering practice."

### CONCLUSIONS OF LAW

The conduct of the Respondent, as outlined in the Findings of Fact above, does not constitute the practice of engineering in Arkansas, within the meaning of Arkansas Code Annotated §17-30-101(4)(A), and his firm therefore did not offer or provide engineering services in Arkansas, within the meaning of Arkansas Code Annotated §17-30-101(4)(B)(ii), without a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-303.

### ORDER

Based on these Findings and Conclusions, the complaint against the Respondent and his firm is dismissed.

**ORDERED** this 3rd day of June, 2010.

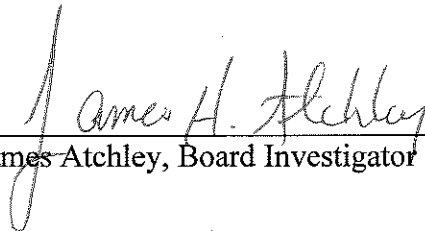
  
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Tommy Bond, Board Vice-President

**CERTIFICATE OF SERVICE**

I, James Atchley, Investigator of 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 3<sup>rd</sup> day of June, 2010, to:

Mr. Robert Driggers  
Energy Smart Corporation  
P.O. Box 22084  
Hot Springs, AR 71903

G. Ben Bancroft  
Attorney at Law  
2836 Malvern Avenue, Suite G  
Hot Springs, AR

  
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James Atchley, Board Investigator