

**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 #2013-08

**Respondent:**

Douglas Alan Fellenz

**CONSENT AGREEMENT AND ORDER**

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

**FINDINGS OF FACT**

F1. The Respondent has obtained certification as both an Engineer Intern and Surveyor Intern from the Board, and the Board has jurisdiction over his conduct.

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

F3. At all times relevant to the complaint, the Respondent was not licensed as a Professional Engineer in Arkansas.

F4. Respondent was employment at A.B. Engineering, Inc. from April 2012 through July 2013.

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F5. At all times relevant to the complaint, the Respondent's firm, Fellenz & Associates Surveying, was not authorized by the Board to offer or provide engineering and surveying services in Arkansas.

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 A.B Engineering, Inc. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone's firm. Fellenz has admitted that he performed the survey instead of Malone and without Malone's knowledge and fraudulently placed Malone's seals on the survey.

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 A.B Engineering, Inc. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone's firm. Fellenz has admitted that he performed the survey instead of Malone and without Malone's knowledge and fraudulently placed Malone's seals on the survey.

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 A.B Engineering, Inc. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone's firm. Fellenz has admitted that he performed the survey instead of Malone and without Malone's knowledge and fraudulently placed Malone's seals on the survey.

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 A.B Engineering, Inc. It also bore the Professional Surveyor seal for Patrick Malone (AR-PS #1459) and the Certificate of Authorization seal for Malone's firm. Fellenz has admitted that he performed the survey instead of Malone and without Malone's knowledge and fraudulently placed Malone's seals on the survey.

### CONCLUSIONS OF LAW

C1. The Respondent's conduct, as outlined in paragraphs F1-F9, constitutes four 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-F9, constitutes four counts of the fraudulent use of another licensee's seal, in violation of Arkansas Code Annotated §17-30-102(b)(3).

C3. The Respondent's conduct, as outlined in paragraphs F1-F9, constitutes the unauthorized practice of, or offer to practice, surveying by a firm, in violation of Arkansas Code Annotated §17-48-207(a).

C4. The Respondent's conduct, as outlined in paragraphs F1-F9, constitutes the unlicensed practice of engineering, in violation of Arkansas Code Annotated §17-30-301.

C5. The Respondent's conduct, as outlined in paragraphs F1-F9, constitutes the unauthorized practice of, or offer to practice, engineering by a firm, in violation of Arkansas Code Annotated §17-30-303(a)(1)(B).

DAF

C6. The Respondent's conduct, as outlined in paragraphs F1-F9, constitutes an ethical lapse in the form of failing to faithfully serve the legitimate interest of his employer, in violation of Article 22 of the Rules of the Board.

C.7. The Respondent's conduct, as outlined in paragraphs F1-F9, constitutes dishonorable, unethical and unprofessional conduct designed to deceive, defraud and harm the public in violation of A.C.A. § 17-30-305(a)(1)(K) and A.C.A. §17-48-205(a)(1)(K).

C.8. The Respondent's conduct as outlined in paragraphs F1-F9 constitutes knowingly making false statements or signing false statements, certificates or affidavits to induce payment in violation of A.C.A. §17-30-305(a)(1)(F) and A.C.A. §17-48-205(a)(1)(F)

#### 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 been afforded an opportunity to obtain legal counsel and has chosen to proceed, with the understanding that the facts and conduct described above in the Findings of Fact are admitted.

2. In lieu of a formal hearing, the Respondent agrees to the following Order and waives all rights to a hearing, appeal or judicial review relating to the Order.

3. 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.

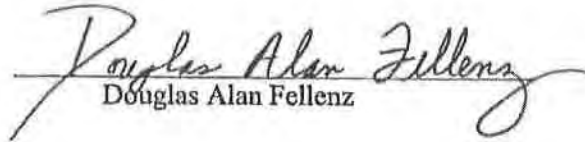
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4. Respondent has submitted an Affidavit dated September 9<sup>th</sup>, 2013 in which he admits many of the relevant facts in this case. A copy of this affidavit is attached hereto and incorporated herein.


**ORDER**

For the violations described in the Conclusions of Law above, the Engineer Intern certificate and the Surveyor Intern certificate of Douglas Alan Fellenz shall be revoked, and the Respondent shall receive a letter of reprimand for his conduct in this matter.

**AGREED TO BY:**

  
Douglas Alan Fellenz

**AGREED TO AND ORDERED BY:**

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

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