

JUL 19 2011

**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 #2010-38

**J.M. TURNER ENGINEERING, INC.
1325 College Avenue
Santa Rosa, CA 95494-3909**

RESPONDENT

CONSENT ORDER

The Arkansas Board of Licensure for Professional Engineers and Professional Surveyors (hereinafter "the Board") and J.M. Turner Engineering, Inc ("Respondent") acknowledge the existence of a controversy, and it now appearing that Respondent is willing to enter into a Consent Order to resolve the controversy, Respondent and the Board agree to entry of this Order in lieu of a formal hearing to resolve the matter as set for herein.

1. Respondent has read this Order, acknowledges and enters into this Consent Order 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. Respondent hereby waives 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 Order.

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

4. Respondent understands and agrees that approval and entry of this Consent Order shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein.

FINDINGS OF FACT

F1. Respondent J.M. Turner Engineering holds a Certificate of Authorization to offer engineering services in Arkansas, and the Board has jurisdiction over the firm's conduct.

F2. On or about October 19, 2010, the Board received an e-mail from Respondent J.M. Turner Engineering. The email informed the Board and others that the Arkansas Professional Engineer of record for the firm had left, and offered to provide a variety of engineering services by other persons, none of whom were licensed in Arkansas.

F3. On October 26, 2010, the Board sent a letter to Respondent J.M. Turner Engineering informing the firm that it was in violation of the Arkansas Certificate of Authorization law, and requesting the firm to name another Arkansas-licensed Professional Engineer, or surrender its Certificate of Authorization.

F4. Respondent J.M. Turner Engineering made no response to the letter, and by decision of the Complaint Committee on November 30, 2010, a casefile was opened and a Complaint Form was signed by the Executive Director of the Board on December 13, 2010.

F5. In answer to the complaint, a representative of Respondent J.M. Turner Engineering advised that another employee of the firm, Adrianus Vermeulen, had a pending application for licensure with the Board in order to be named the replacement engineer of record for the Certificate of Authorization.

F6. Mr. Vermeulen's comity application was denied at the Board meeting held on February 8, 2011, and Respondent J.M. Turner Engineering has taken no further actions to name a replacement engineer of record for the Certificate of Authorization.

CONCLUSIONS OF LAW

L1. Respondent's conduct as described in paragraphs F1-F6 constitutes one count of failing to name a successor engineer of record within thirty (30) days as required by Arkansas Code Annotated §17-30-303(b)(2).

L2. Respondent's conduct as described in paragraphs F1-F6 constitutes one count of offering to provide engineering services in Arkansas, within the meaning of Arkansas Code Annotated §17-30-101(4)(B)(iv), without a valid Certificate of Authorization, in violation of Arkansas Code Annotated §17-30-303.

ORDER

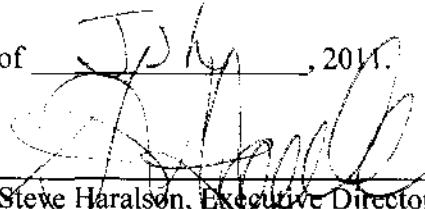
THEREFORE, the Board orders that Certificate of Authorization #1257 held by Respondent J.M. Turner Engineering is suspended until an amended application form naming an Arkansas-licensed Professional Engineer to be in responsible charge of engineering activities for Respondent J.M. Turner Engineering is submitted to the Board, or

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until the Certificate of Authorization expires on December 31, 2011. During the period of suspension, Respondent J.M. Turner Engineering shall not offer or provide engineering services in Arkansas.

IT IS FURTHER ORDERED the Board shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Order and that Respondent's failure to comply with any term or condition of this Order shall constitute grounds for the imposition of disciplinary action pursuant to A.C.A. §17-30-305, for which the Board may suspend or revoke Respondent's license or take other appropriate action, after notice and opportunity for a hearing pursuant to Arkansas Administrative Procedures Act, A.C.A. §25-15-208 et seq.

IT IS SO ORDERED this 12th day of July, 2011.


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

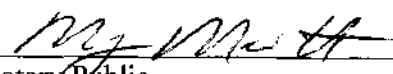
APPROVED AND AGREED BY:


For J.M. Turner Engineering, Inc.
Respondent

7/11/11
Date

STATE OF CA
COUNTY OF Sonoma

Subscribed and sworn to before me on this 11th day of July, 2011.


Notary Public

My commission expires:
01/08/2015



