

BEFORE THE ARKANSAS BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

IN THE MATTER OF DANIEL M. TYLER, NON-REGISTRANT,
and UNITED INSULATED STRUCTURES, CORP., NON-REGISTRANT

CONSENT AGREEMENT

A complaint charging Daniel M. Tyler, Non-registrant, and United Insulated Structures, Corporation, Non-registrant (hereafter collectively "Respondent") with violations of the statute governing registered Engineers in the State of Arkansas has been received by the Arkansas Board of Registration for Professional Engineers and Land Surveyors ("the Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of matters presently before the Board. The Respondent admits the Findings of Fact and, without admission of such, does not contest the entry of the Conclusions of Law and Order.

Based upon the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

I. Findings of Fact

1. Neither Respondent is presently a licensed professional engineer or possesses a Certificate of Authority (COA) in the State of Arkansas.

Respondent Tyler is a licensed Architect in the State of Arkansas, but has not at any time relevant to this matter been licensed as a professional engineer in Arkansas.

2. On or about April 22, 2003, the Respondent prepared or caused to be prepared architectural and engineering plans for the Kraft Warehouse Addition located at 4020 Planters Road, Fort Smith, Arkansas 72908 and Respondent provided those plans to the Fort Smith Building Permit Office. Said plans contain several instances of engineering without the review and seal of an engineer or an entity possessing a COA registered by the Board. The drawings containing engineering details are S 1.0, S 1.1, S 1.2, S 2.0, S 2.1, and S 2.2 (attached as Exhibits "A" through "F" to the Order and Notice of Hearing in this matter.) Drawings S1.0 and S2.0 mention the Earth Quake Load Data; however, such drawings do not contain a signed and sealed seismic statement described in Ark. Code Ann. Section 12-80-104.
3. Daniel M. Tyler and United Insulated Structures Corporation are so inter-related that they should, for purposes of this Complaint and resolution of the issues therein, be considered effectively to be one entity.

II. Conclusions of Law

1. Respondent's conduct in this instance constitutes six (6) separate violations of the statutory prohibition against practicing engineering without a license as described in Ark. Code Ann. Section 17-30-301 and as defined by Ark. Code Ann. Section 17-30-101 (4)(A) and (4)(B)(i) and (iv). Drawings S1.0 and S2.0 mention the Earth Quake Load Data; however, such drawings do not contain a signed and sealed seismic statement as required by Ark. Code Ann. Section 12-80-104. This conduct constitutes two (2) additional violations.
2. Daniel M. Tyler and United Insulation Structures Corporation are so inter-related that they should be and hereby are, for purposes of this Complaint and resolution of the issues herein, considered effectively to be one entity.

III. Consent

1. Respondent Tyler admits he performed the services and prepared the plans as stated in the allegations in the Board's Findings of Fact and, without admission of such, does not contest the Conclusions

of Law, both as an individual and as a representative of United Insulated Structures Corporation.

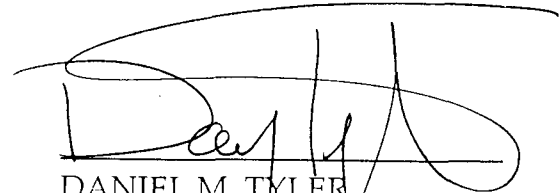
2. In lieu of a formal hearing on these issues, Respondents agree to issuance of the attached Order and waive all rights to a hearing, appeal or judicial review relating to the Order.

3. Respondents understand that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning these matters.

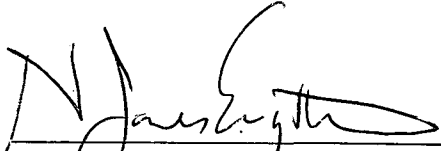
4. Respondents acknowledge that he and it have consulted legal counsel prior to entering this Consent Agreement

5. Respondent understands this Consent Agreement is effective upon its acceptance by the Board.


THEREFORE, the foregoing is stipulated and agreed effective upon its approval by the Board.



DANIEL M. TYLER
RESPONDENT
Individually and
for United Insulated
Structures, Corporation
28 October 2003



H. JAMES ENGSTROM
PRESIDENT



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28 October 2003

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ORDER

In view of the Findings of Fact, Conclusions of Law and Consent of Daniel M. Tyler (hereinafter "Respondent"), acting both for himself as an individual and in his official capacity for United Insulated Structures Corporation, as stated in the Consent Agreement filed herein, after consideration, Motion and vote approving this action, the Arkansas Board of Professional Engineers and Land Surveyors issues the following Order:

1. Respondent consents to the terms and conditions of this Order and waives a public hearing.
2. Respondent shall pay an administrative fee of \$6,000.00 within thirty (30) days of the date of this Order.

IT IS SO ORDERED

ARKANSAS STATE BOARD OF
REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

BY: 

H. JAMES ENGSTROM, PRESIDENT

DATE: 11/13/03

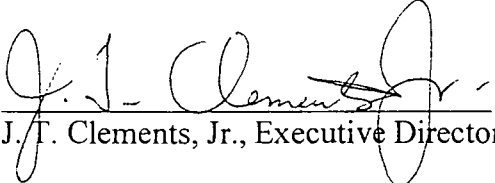
CERTIFICATE OF SERVICE

I, J. T. Clements, Jr., Executive Director of the Arkansas State Board of Registration for Professional Engineers and Land Surveyors, do hereby certify that I have served a copy of the foregoing by hand delivering a copy of same to Respondents Attorney, on this 14th day of November, 2003, to:

Daniel M. Tyler and
United Insulated Structures Corp.
5430 St. Charles Road
Berkeley, IL 60163

And to their attorney by hand delivery:

David M. Powell
Williams & Anderson PLC
Twenty-Second Floor
111 Center Street
Little Rock, AR. 72201



J. T. Clements, Jr., Executive Director



Received By

11/14/03

Date